

Chapter 19

MOTOR VEHICLES AND TRAFFIC*

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ARTICLE I. IN GENERAL

Sec. 19-1. Definitions.

For the purposes of this chapter, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning:

Bus stop: An area in the roadway set aside for the boarding of or alighting from, and the parking of buses.

Business district: A district zoned for business or manufacturing by the board of aldermen.

Crosswalk: That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections, or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other marking or signs.

Curb marking, official: That portion of a curbing, the painting of which has been authorized by the board of aldermen, and which has the written approval of the department of public works of the commonwealth.

Emergency vehicle: Vehicles of the fire department (fire patrol), police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations when the latter are responding to

***Cross references**—City engineer, Ch. 25, Art. II; civil defense, Ch.8; driving over fire hose restricted, § 10-3; planning and development, Ch. 22; police, Ch. 24; public works department, Ch. 25; streets and sidewalks, Ch. 26; zoning, Ch. 30

State law references—Motor vehicles generally, G.L. c. 90; rules of the road, G.L. c. 90, §§ 1-11; other traffic provisions, G.L. c. 85 §§ 1-35; authority to regulate vehicles, G.L. c. 40 § 22

an emergency in relation to the police or fire department.

Fire lane: That portion of a public or private parking lot, private driveway or private road which is designed to provide access of fire trucks to any building or location and which is specifically posted as such.

Funeral: Any procession of mourners, properly identified as such, accompanying the remains of a human body.

Heavy commercial vehicle: Any vehicle which is used in the commercial transportation of goods, wares, merchandise or materials, and which has, in the case of use on main highways, a carrying capacity of five (5) tons, or over, and in the case of use on all other ways, a carrying capacity of two and one-half (2-1/2) tons or over.

Intersection: The area embraced within the extensions of the lateral curblines or, if none, then the lateral boundary lines, of intersecting ways as defined in chapter 90, section 1 of the General Laws, including divided ways. The provisions of this chapter governing and restricting the movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic-control signals whether or not such place is an intersection as herein defined.

Lane: A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

Loading zone: An area in the roadway set aside for the temporary use only of motor vehicles for the purpose of and while actually engaged in loading or unloading.

Officer: Any officer of the police department or any officer authorized to direct or regulate traffic or to make arrests for the violation of traffic regulations.

Parking: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

Parking meter: Any mechanical device, not inconsistent with the provisions of this chapter, and placed or erected on any public way or municipal off-street parking area within the city for the regulation of parking. Each parking meter installed shall indicate by proper legend the legal parking time established by this chapter, and when operated shall at all times indicate the balance of legal parking time permitted and at the expiration of such period shall indicate illegal or overtime parking.

Parking meter space: Any space within a parking meter zone adjacent to a parking meter which is duly designated for the parking of a single vehicle by lines painted on the surface of the street or municipal off-street parking area adjacent to or adjoining each parking meter.

Parking meter zone: Any street or portion thereof or municipal off-street parking area upon which parking meters are installed and in operation and upon which parking of vehicles is permitted for a limited time subject to compliance with the further provisions of this chapter.

Pedestrian: Any person afoot or riding on a conveyance moved by human muscular power, except bicycles or tricycles, as defined in General Laws, chapter 90, section 18A.

Railroad crossing: Any intersection of ways with a railroad right-of-way.

Roadway: That portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

Rotary traffic: The counterclockwise operation of a vehicle around an object or structure.

Safety zone: Any area or space set aside within a roadway for the exclusive use of pedestrians and having the written approval of the department of public works of the commonwealth.

Sidewalk: That portion of a street or highway set aside for pedestrian travel.

Speed humps: A street surface condition consisting of gradual elevations 3 inches to 4 inches high at the midpoint and running 10 feet to 14 feet along the length of the street at the base with the one foot sections at each end tapered flush with the street surface to facilitate street drainage, positioned 200 to 400 feet apart and subject to such further design criteria as may be determined by the City Engineer.

Street or highway: The entire width between property lines of every way open to the use of the public for purposes of travel.

Street marking, official: Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been approved by the commissioner of public works.

Stopping: Any halting of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in obedience to an officer or traffic signs or signals. Prohibition of stopping shall be deemed to include prohibition of parking.

Taxi stand: An area in the roadway in which certain taxicabs are authorized and required to park while waiting to be engaged.

Taximeter: Any instrument by which the charge for hire of a taxi is automatically calculated either for distance traveled or for waiting time or both and which indicates such charge by means of figures.

Traffic: Pedestrians, ridden or herded animals, vehicles, street cars or other conveyances, either singly or together, while using any street or highway for the purpose of travel.

Traffic calming measures: Physical road design elements intended to reduce vehicle speeds and improve driver attentiveness.

Traffic-control area: Any area along any way, other than an intersecting way, at which drivers are to be controlled by traffic-control signals.

Traffic-control signal: Any device using colored lights which conforms to the standards as prescribed by the department of public works of the commonwealth, whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and to proceed.

Traffic island: Any area or space set aside within a roadway which is not intended for use by vehicular traffic.

Traffic signals, official: All signals conforming to the standards as prescribed by the department of public works of the commonwealth, not inconsistent with these rules and orders, placed or erected by authority of a public body or official having jurisdiction for the purpose of directing or warning traffic.

Traffic signs, official: All signs, markings and devices, other than signals, not inconsistent with these rules and orders, and which conform to the standards prescribed by the department of public works of the commonwealth,

placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

U-turn: The turning of a vehicle by means of a continuous turn whereby the direction of such vehicle is reversed.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including bicycles, when the provisions of these rules are applicable to them, except other devices moved by human power or used exclusively upon stationary rails or tracks and devices which derive their power for operation from stationary overhead wires. (Rev. Ords. 1973, 13-1; Ord. No. S-21, 11-7-83; Ord. No. 264A, 11-16-87; Ord. No. T-164, 8-8-91; Ord. No. T-253, 12-7-92; Ord. No. Z-81, 2-22-11)

State law reference—Definitions for state motor vehicle law, G.L. c. 90, § 1

Sec. 19-2. Reserved.

Sec. 19-3. Coasting.

No person shall coast in any street or way, except that the commissioner of public works may designate each year by writing, to be filed with the city clerk, one or more streets in each ward where coasting is permitted, and shall post at each end of the street or part of street so used a conspicuous notice stating that coasting is permitted there. (Rev. Ords. 1973, § 13-5; Ord. No. 90, 10-6-75)

State law reference -Authority to regulate, G.L. c. 85, § 10A

Sec. 19-4. Zones of quiet-hospitals.

All of the territory within two hundred (200) feet of the premises of each hospital in this city is hereby created and established as a zone of quiet. The commissioner of public works is authorized to erect and maintain in a conspicuous manner within this area such signs and markings as are necessary to designate it as a zone of quiet. (Rev. Ords. 1973, § 13-8; Ord. No. 90, 10-6-75)

Cross reference—Health and human services, Ch. 12

Sec. 19-5. Same-temporary.

The commissioner of public works may temporarily establish a zone of quiet upon any street where a person is seriously ill. Such temporary zone of quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the sick person. Such temporary zones of quiet shall be designated by the street commissioner by placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet." (Rev. Ords. 1973, § 19-9; Ord. No. 90, 10-6-75)

Sec. 19-6. Safe transportation of hazardous materials.

(a) Whoever transports hazardous materials in such quantity as requires notification to the state department of public health shall give notice to the chiefs of the fire and police departments at least twenty-four (24) hours before such proposed transportation, stating the quantity, type of material, packaging, degree of radioactivity and shipping routes and time of such transfer.

(b) Such shipments shall not leave a state or interstate highway except in accordance with section 19-46. (Rev. Ords. 1973, § 13-217; Ord. No. 316, 2-20-79)

Sec. 19-7. Accident reports.

Every person operating a motor vehicle which is in any manner involved in an accident in which any person is killed or injured or in which there is damage in excess of one thousand dollars (\$1,000.00) to any one vehicle or

property shall report such accident within five (5) days to the registrar and to the police department in accordance with the provisions of chapter 90, section 26 of the General Laws. (Rev. Ords. 1973, § 13-10)

Cross reference—Duties of police in case of accident, § 24-9

Sec. 19-8. Penalty generally.

Except as otherwise provided by law, any person convicted of a violation of any regulation or order made pursuant to this chapter shall be punished by a fine not exceeding twenty dollars (\$20.00) for each offense. (Rev. Ords. 1973, § 13-11)

Sec. 19-9. Penalty for parking violations.*

Pursuant to General Laws, chapter 90, section 20A and chapter 40, section 22A, the following schedule of fines for parking offenses is established subject to such section and to the provisions of this chapter:

- (1) The following offenses shall be punished by a fine of one hundred dollars (\$100.00): Illegally parking in a space reserved for the handicapped (section 19-178) or for blocking a curb cut designated for handicapped access (section 19-199), or for illegally parking in a bus stop (section 19-170).
- (2) The following offenses shall be punished by a fine of twenty five dollars (\$25.00): parking within ten (10) feet of a fire hydrant (section 19-166(g)) or parking in front of a private road or a driveway (section 19-166(h)) or upon a crosswalk (section 19-166(c)); parking in a school drop off zone in excess of time permitted; parking in a designated community parking space without a permit (section 19-205).
- (3) The following offenses shall be punished by a fine of twenty-dollars (\$20.00): parking on any way in such a manner as to impede the removal or plowing of snow or ice (section 19-166(n)), or parking in a restricted area in violation of the applicable restrictions (except overtime) (section 19-176).
- (4) The following offenses shall be punished by a fine of fifteen dollars (\$15.00), parking within an intersection (section 19-166(a)), or so as to obstruct a traffic passing lane (section 19-166(f)), or within twenty (20) feet of either end of a safety zone (section 19-167), or a taxicab stand (section 19-171), or within twenty (20) feet of an intersecting way (section 19-166(i)), or parking upon any sidewalk (section 19-166(b)), or parking on a bridge and the approach thereto (section 19-166(m)), or within fifteen (15) feet of a wall of or directly across the street from a fire station (section 19-166(j)), or parking over twelve (12) inches from the curb or parking in the wrong direction (section 19-166(e)), or within a loading zone in excess of the time permitted (section 19-172), or within a residential area without appropriate sticker (section 19-201), or otherwise than at the required angle in an angle parking zone (section 19-175), parking in or obstructing access to a designated fire lane (section 19-166(o)); parking in a school drop off zone in excess of time permitted (section 19-179); or stopping in violation of the applicable restrictions (section 19-180), or parking at a parking meter in violation of the provisions applicable thereto (sections 19-188 to 19-190, 19-194 and 19-195, or in any other area where parking is permitted for a limited period of time in excess of the time allowed (section 19-166).
- (5) The following offenses shall be punished by a fine of five dollars (\$5.00): Parking a vehicle other than a commercial vehicle at night in violation of the provisions applicable thereto (section 19-174(b) and (c)) at night in violation of the provisions applicable thereto (section 19-174).
- (6) Should the fines established herein not be paid within twenty-one (21) days of the offense, the following surcharges shall be due and payable to the parking clerk of the city in addition to the fine originally assessed:

For a \$5.00 fine – initial surcharge shall be an additional \$10.00.

For a \$15.00 fine – initial surcharge shall be an additional \$10.00.

For a \$20.00 fine – initial surcharge shall be an additional \$10.00.

For a \$25.00 fine – initial surcharge shall be an additional \$10.00.

- (7) If any part of the fine and/or initial surcharge remains unpaid at any time subsequent to the parking clerk reporting the matter to the Registrar of Motor Vehicles of the Commonwealth of Massachusetts, pursuant to M.G.L. chapter 90, section 20A, an additional surcharge of \$5.00 shall be due and payable to the parking clerk of the city.
- (8) Notwithstanding the fines established for the offenses identified in subsections (3) and (4), such offenses shall be punished by a fine of twenty-five dollars (\$25.00) if the offense occurs within the geographic area designed as subject to the Tiger Parking program established by section 19-204 while such program is in effect. (Rev. Ords. 1973, § 13-12; Ord. No. S-8, 8-8-83; Ord. No. S-43, 2-21-84; Ord. No. S-156, 2-18-86; Ord. No. 209, 7-21-86; Ord. No. S-344, 12-5-88; Ord. No. T-164, 8-8-91; Rev. Ord. No. T-142, 4-1-91; Ord. X-30, 10-7-02; X-34, 11-18-02; Ord. No. X-86, 5-17-04; Ord. No. X-96, 6-21-04; Ord. No. X-143, 3-21-05; Ord. No. X-162, 4-4-05; Ord. No. X-180, 12-19-05; Ord. Y-6, 3-19-07; Ord. No. Y-31, 8-13-07; Ord. No. Z-14, 11-5-07; Ord. No. Z-40, 01-20-09; Ord. No. Z-47, 03-16-09)

***Editor's notes—**

See subsection (d) of Section 19-199 regarding penalties for unauthorized parking in handicapped spaces on private property.
See subsections (h), (i) and (j) of section 19-204 regarding penalties pursuant to certain violations of the temporary permit parking program known as Tiger Permit parking.

Secs. 19-10—19-24. Reserved.

**ARTICLE II. TRAFFIC COUNCIL;
TRAFFIC PETITIONS**

Sec. 19-25. Establishment of traffic council; membership.

- (a) There shall be a traffic council which shall be made up of five members, as follows:
 - (1) One appointed member who shall be a resident of the City who has expertise in traffic engineering or traffic planning, shall be appointed for a term of three (3) years in accordance with the procedures of the City Charter Section 3-3. One or more alternates, who shall also be resident(s) of the city with expertise in traffic engineering or traffic planning, shall be appointed for a term of three (3) years in accordance with the procedures of the city charter Sec 3-3. The chairman may designate an alternate resident member to attend traffic council meetings as a voting member whenever the permanent resident member is unable to attend and during any such time that there is no permanent resident member due to expiration of three-year term, resignation, or other reason
 - (2) The chairman of the board of aldermen's Public Safety and Transportation Committee, or the chairman of such successor standing committee which the board of aldermen may establish to consider matters relating to parking and traffic shall serve ex-officio. Such chairman, whenever unable to attend a traffic council meeting, may designate the vice chairman of such committee to attend in the chairman's place; and in the event that the vice chairman is unavailable, the chairman may designate the senior member of such committee to attend in the chairman's place.
 - (3) The other three members shall be employees of the City, as follows: one employee of the public works

department whose duties include traffic engineering, as designated by the commissioner of public works; one sworn police officer with a rank of sergeant or higher, whose duties include management of traffic and parking enforcement, as designated by the chief of police; and one employee of the department of planning and development whose duties include transportation planning, as designated by the director of planning and development.

(b) The traffic council shall elect one of its members to serve as chairman for a term of one year, provided however, that the aldermanic member shall not be eligible to serve as chairman. (Ord. No. Z-12, 12-03-07; Ord. No. Z-23, 04-22-08)

Sec. 19-26. Authority and role of Traffic Council

(a) Subject to the provisions of section 19-30, the traffic council shall have sole authority to adopt, amend and repeal regulations governing operation and parking of vehicles at particular locations on streets and public grounds under the control of the city, and for such purposes, the traffic council shall constitute the rule-making body of the city under the provisions of section 18 of chapter 90 of the general laws and section 2 of chapter 85 of the general laws.

(b) Nothing herein shall authorize the traffic council to adopt any regulation establishing fines for violations.

(c) The traffic council shall be guided by all applicable statutes and such policies and standards which may be from time to time established by the board of aldermen pursuant to section 19-33(a).

(d) Upon request, the traffic council shall advise the mayor and/or board of aldermen on matters concerning traffic and parking issues affecting the city.

(e) The traffic council may make rules and regulations governing its procedures and filing requirements. (Ord. No. Z-12, 12-03-07)

Sec. 19-27. Records and regulations of the Traffic Council; clerk.

(a) The clerk of the board of aldermen shall serve as clerk to the traffic council and shall keep its records, including such regulations as it adopts from time to time.

(b) Not later than one hundred eighty (180) days from the effective date of this ordinance, the traffic council shall adopt and publish, in such format as it deems appropriate, Traffic and Parking Regulations.

(c) Upon the effective date of this ordinance, the provisions of the following sections of the Revised Ordinances shall be adopted as Traffic and Parking Regulations, which shall be in effect until the traffic council adopts and publishes Traffic and Parking Regulations as provided in paragraph b) above.

- 19-83 Heavy vehicles exclusions
- 19-84 Speed zones
- 19-85 One-way streets
- 19-86 U-turns prohibited
- 19-87 Left turns prohibited
- 19-88 Right turn only
- 19-89 Right turns prohibited
- 19-90 School hours – No vehicles on Vernon Street
- 19-91 School hours – No vehicles on Minot Place
- 19-92 School hours – No vehicles on Parkview Avenue

- 19-93 School hours – No vehicles on Blithedale Road
- 19-94 School hours – No vehicles on Kimball Terrace
- 19-95 Thruways designated
- 19-96 No turn on Red
- 19-97 Left lane must turn left
- 19-98 Right lane must turn right
- 19-145 Traffic control signal locations
- 19-146 Flashing warning light locations
- 19-147 Stop signs
- 19-148 Yield signs
- 19-149 School zones
- 19-168 Parking limit in municipal off-street parking areas
- 19-169 Time prohibited in Oak Hill off-street parking area
- 19-176 Parking regulations, particular streets
- 19-177 Football game day parking
- 19-179 School drop off zones (blue zones)
- 19-202 Resident restricted areas
- 19-203 NNHS sticker parking program
- 19-220 Parking prohibitions for tow zones
- 19-223 Weather emergency regulations (Ord. No. Z-12, 12-03-07)

Sec. 19-28. Procedures for filing traffic/parking petitions; petition and signature requirements.

(a) The traffic council may not adopt, amend or repeal regulations governing operation or parking of vehicles on streets and public grounds under the control of the city unless a written petition meeting the requirements of this section has been filed.

(b) Each such petition shall clearly identify the geographic location for which traffic council review is sought. Each such petition shall be set out on the form provided by the traffic council, and filed with the clerk.

(c) Petitions for intersectional controls and regulations, including but not limited to stop signs, traffic signals, and no turn on red, must be signed by no fewer than six (6) owners or tenants of the residential, commercial and non-profit units whose building or lot of land is located within five hundred (500) feet of the affected intersection. For purposes of this subsection a "unit" shall be defined as that portion of a building or lot of land which is subject to separate ownership or lease.

(d) Petitions for parking restrictions, truck exclusions, speed limits and all other traffic regulations must be signed by one owner or tenant of no fewer than one half of the residential, commercial and non-profit units which abut the affected street or way, as the clerk in his judgment shall determine, provided that in no event shall more than ten (10) signatures be required. For purposes of this subsection a "unit" shall be defined as that portion of a building or lot of land which is subject to separate ownership or lease.

(e) Petitions concerning resident restricted areas shall be governed by the signature requirements and other provisions of section 19-201.

(f) Notwithstanding the foregoing subsections d) and e), the following petitions shall be exempt from such signature requirements:

- (1) petitions submitted by an alderman; and
- (2) petitions submitted by the chief of police or chief of fire for safety reasons;

- (3) petitions submitted by one or more members of the traffic council;
- (4) petitions submitted by the clerk of the board upon his determination that there is an inconsistency between a prior vote of the board of aldermen and the codified ordinance due to a clerical oversight; and
- (5) petitions for handicapped parking which shall be subject to the provisions of Section 19-178. (Ord. No. Z-12, 12-03-07)

Sec. 19-29. Docketing of petitions; determination of eligibility for hearing.

(a) Upon the receipt of a petition concerning a matter within the jurisdiction of the traffic council, the clerk of the board of aldermen shall make an initial determination whether it complies with the requirements of the foregoing section. In the event that it so complies, the clerk of the board shall promptly place the matter on the agenda of the traffic council, and simultaneously notify the board of aldermen that the matter has been docketed with the traffic council. (Ord. No. Z-12, 12-03-07)

(b) The chairman of the traffic council shall refer all docketed petitions to the department of public works for a preliminary determination of eligibility for hearing in accordance with the threshold standards provided in subsection (c) below. Any petition which the department determines does not meet the threshold standards shall not be added to the traffic council docket and shall be ineligible for further consideration for at least one year. The petitioner and the board of aldermen shall be so notified in writing by the traffic council. Petitions meeting the threshold standards shall proceed to a hearing before the traffic council in accordance with the provisions of Section 19-31.

(c) Threshold standards for traffic council hearing eligibility:

- (1) Petitions for stop signs, traffic signals, and all other regulatory devices shall meet the minimum standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, latest edition, with amendments, as adopted by the Commonwealth of Massachusetts;
- (2) Petitions for school zones, truck exclusions, and speed limits shall meet the minimum standards established by the Massachusetts Department of Transportation; and
- (3) Petitions for traffic calming measures shall meet all of the following standards:
 - i. traffic volume on the street is greater than 1,000 vehicles per day;
 - ii. measured 85th percentile speeds are equal to or greater than 9 mph above the speed limit; and
 - iii. for vertical deflections, street classification shall be minor collector or local street.
 - iv. for raised crossing(s), the minimum criteria established by the city crosswalk policy shall be met.
- (4) The traffic council shall hear site-specific requests, even if the above thresholds for hearing eligibility are not met, under one of the following conditions:

i. as directed by the board of aldermen via site plan approval, special permit condition, or other board order or resolution;

ii. where a Community Development Block Grant or other source of public funding has been formally allocated to fully or partially fund a site-specific traffic calming project.

(Ord. No. Z-81, 2-22-11)

Sec. 19-30. Procedures for Traffic Council; effective date.

(a) In order to promote citizen participation, the traffic council shall endeavor to hold its meetings during evening hours when the board of aldermen or its committees do not have regularly scheduled meetings.

(b) A majority of the members of the traffic council shall constitute a quorum. A vote to adopt, amend or repeal a regulation or to establish or discontinue a field trial shall require agreement among no fewer than three of the members, but while a quorum is present, any other motion may be adopted by a simple majority vote.

(c) The traffic council shall make every effort to complete its review of each item within three (3) months from the date the matter first appears on its agenda.

(d) Whenever the traffic council receives a petition concerning a matter which was the subject of a traffic council decision within the prior twelve month period, the traffic council shall immediately deny the petition on the ground that no action is deemed necessary, unless the traffic council determines that there has been a material and compelling change of conditions which merits further analysis.

(e) In rendering a final decision on a petition, the traffic council may approve, deny, or amend the petition, provided the petition as amended is effective within the same or a reduced geographic area.

(f) Subject to the provisions of section 19-33(c), regulations adopted, amended or repealed by the traffic council pursuant to section 19-26(a) shall become effective at the expiration of twenty days or at any later date specified by the traffic council.

(g) By September 30 of each year, the traffic council shall submit to the board of aldermen an annual report on the work of the council, which shall include a statistical summary of the items on the council's agenda, and the disposition or status of each item. The report shall include the date of the filing of each petition and the date of its disposition. (Ord. No. Z-12, 12-03-07)

Sec. 19-31. Public notice of traffic council meetings.

(a) The clerk shall send or deliver written notice of the traffic council meeting to those persons who have signed petitions which are to be heard at such meeting and to each ward alderman for the affected ward(s).

(b) In addition to such notice by the clerk, the traffic council may request the clerk to give the same notice to other parties who, in its judgment, may be substantially affected by such petition. The traffic council may also utilize other means to enhance public notice of an upcoming meeting, including but not limited to publication and/or placement of free-standing "sandwich board" signs at or near the location which is the subject of the petition. (Ord. No. V-154, 12-1-97)

(c) The traffic council may adopt such other notification procedures as it may deem appropriate. (Ord. No. Z-12, 12-03-07)

Sec. 19-32. Field trials

(a) The traffic council may, from time to time for the purpose of field trial, make temporary rules regulating the operation and parking of vehicles in connection with petitions under its consideration.

(b) The committee of the board of aldermen which has jurisdiction over appeals pursuant to section 19-33 may, as part of its consideration of a pending appeal, for the purpose of field trial, make temporary rules regulating the operation or parking of vehicles.

(c) Field trials initiated pursuant to sections a) or b) above are subject to the following provisions:

- (1) Except as provided below in subsection iii, a field trial may not exceed a period of sixty (60) days, but may be discontinued at any time by the entity initiating the trial;
- (2) Any field trial shall be promptly discontinued in the event the chief of police or the commissioner of public works determines that it constitutes a public safety hazard.
- (3) The entity initiating the field trial may vote to extend the period of the field trial upon a determination that doing so would promote public safety. Thereafter, unless the initiating entity votes to discontinue the field trial for reasons of public safety, it shall then remain in effect until a final determination upon the petition or appeal is reached. (Ord. No. Z-12, 12-03-07)
- (4) In instances where a field trial will affect traffic flow, the department of public works shall provide easily visible signage, to ensure adequate notice (both prior to and for the duration of the field trial) to passing motorists within the vicinity of the field trial.
- (5) If the petition or appeal for which the field trial was implemented is denied, the street shall be returned to its original condition as soon as practicable.
- (6) The department of public works shall provide a status report to the initiating entity at the conclusion of the field trial, and if the initiating entity so requests, on a more frequent basis during the field trial.
- (7) The department of public works shall provide to the board of aldermen a report as to the status of all on-going field trials on a quarterly basis. (Ord. No. Z-46, 12-01-08)

Sec. 19-33. Role of board of aldermen; appeals from Traffic Council.

(a) The board of aldermen may establish policies and standards regarding traffic and parking matters for particular locations, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council.

(b) Following the traffic council's adoption, amendment or repeal of a regulation pursuant to said council's authority under section 19-26(a), an appeal may be taken to the board of aldermen in accordance with the procedures set out in section 19-34. The clerk of the board of aldermen shall send or deliver notice of hearing on appeal to all persons notified of the original traffic council hearing and to such other persons as the board of aldermen may determine.

(c) Upon the filing of an appeal relative to the traffic council's adoption, amendment or repeal of a regulation, the status quo shall be maintained pending final outcome of the appeal. Upon the receipt of such an appeal petition, the clerk of the board of aldermen shall treat the appeal as a new item for the board of aldermen and place it on the board's docket.

(d) The board of aldermen's decision of such an appeal may adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review. (Ord. No. Z-12, 12-03-07; Ord. No. Z-79, 02-22-10)

Sec. 19-34. Procedures for filing appeals

(a) An appeal shall be filed with the clerk of the board by filing a petition meeting the requirements of this section within twenty (20) days of the traffic council's adoption, amendment or repeal of a regulation pursuant to its authority under section 19-26(a).

(b) No appeal may be filed unless the following signature requirements are met:

- (1) In the case of an appeal from a petition filed under Sections 19-28 c), d) or e), the owner/tenant signature requirements for filing the original petition are met;
- (2) In the case of an appeal from a petition filed under Section 19-28 f), the signature of any petitioner(s), provided that members of the traffic council may not file an appeal.
- (3) In the case of an appeal from a petition filed under Section 19-28 f) where any petitioner(s) does not appeal, an appeal may be taken by (1) any alderman, or (2) by an interested party provided the same owner/tenant signature requirements to initiate a petition under Sections 19-28 c), d) or e) are met. (Ord. No. Z-12, 12-03-07)

Sec. 19-35 Transitional Provisions

Traffic and parking agenda items relating to particular locations which are pending before the board of aldermen and/or the traffic council on the effective date of this amendment shall be processed as follows:

- (1) Pending items which have been docketed on the board of aldermen's agenda and referred to the traffic council shall remain under the jurisdiction of the traffic council and shall be removed from the docket of the board of aldermen.
- (2) Pending docket items which the traffic council has already considered and for which it has submitted recommendations to the board of aldermen, acting through the public safety and transportation committee, shall be decided by the board of aldermen in the same manner as an appeal pursuant to Section 19-33 d).
- (3) Pending traffic and parking docket items on the agenda of the board of aldermen's public safety and transportation committee which have not been before the traffic council shall be considered on a case-by-case basis by the committee at the start of the 2008-2009 board year. Any such item determined by the committee to relate to a particular location shall be transferred to the jurisdiction of the traffic council and removed from the docket of the board of aldermen. Any such item determined by the committee not to relate to a particular location shall remain under the jurisdiction of the board of aldermen. (Ord. No. Z-12, 12-03-07)

Secs. 19-36—19-45. Reserved.

ARTICLE III. AUTHORITY AND DUTIES OF POLICE

Sec. 19-46. Police to direct traffic; construction sites; direction in event of fire or emergency.

It shall be the duty of officers designated by the chief of police to enforce the provisions of this chapter. Only sworn officers are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this chapter, including at construction sites in the public way. However, in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic as conditions may require, notwithstanding the provisions of this chapter. (Rev. Ords. 1973, § 13-39; Ord. No. V-125, 7-14-97)

Cross reference—Fire protection and prevention, Ch. 10

Sec. 19-47. Temporary closing of streets.

The chief of police is hereby authorized to close, temporarily, or otherwise regulate motor vehicle traffic, on any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession. (Rev. Ords. 1973, § 13-40; Ord. No. 83, 8-18-75)

Cross reference—Streets and sidewalks, Ch. 26

Sec. 19-48. Temporary parking prohibitions.

The chief of police is hereby authorized to prohibit parking temporarily where it is otherwise allowed or allow parking temporarily where it is otherwise prohibited on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage or demonstration or procession provided, however for purposes of this section an intercollegiate varsity football game cannot be the basis for the chief's decision to allow parking temporarily where it is otherwise prohibited. In considering whether to prohibit or allow said temporary parking for a lawful assemblage, the chief of police shall consider whether said prohibition or allowance of temporary parking has repeatedly and adversely affected a particular neighborhood, village or area of the City of Newton. Vehicles parked in places where parking is prohibited, temporarily, may be moved by or under the direction of an officer. (Rev. Ords. 1973, § 13-41; Ord. No. S-157, 2-18-86; Ord. No. T-278, 6-21-93)

19-49 Temporary parking permits.

(a) The chief of police is hereby authorized to issue a temporary parking permit to Newton residents or business owners, or those employed by Newton residents or business owners, who by reason of a unique hardship are unable to comply with a current time restriction on parking. A temporary parking permit may be issued only for conditions that are temporary or short-term in duration. A temporary parking permit may be issued for a period of several days or weeks, but not longer than one month. The chief of police may renew a temporary parking permit for good cause for intervals of up to one month for a maximum of three months.

(b) Eligibility.

- (1) Candidates for temporary parking permits may include, but are not limited to: tradesmen who are employed by a Newton resident or business owner and are unable to secure off-street parking; residents who must park on the street due to construction-related activities preventing their use of off-street parking; temporary health or child care providers who are employed by a Newton resident and need relief from parking restrictions in order to provide care without interruption.
- (2) Applicants must demonstrate that no alternative off-street parking is available to meet their needs.
- (3) Residents or business owners may be required to provide proof of residency or Newton business address. Those employed by Newton residents or business owners may be required to provide proof of such employment.

(c) Effect of Temporary Permit

- (1) A temporary permit is valid only on a designated street(s) during the hours and dates specified.
- (2) A temporary permit is valid only for the time period shown on the permit.
- (3) A temporary permit shall not excuse its holder from complying with all other parking restrictions and prohibitions posted by signage or otherwise in effect on the assigned street(s). The temporary permit provides relief from time restrictions only.
- (4) A temporary parking permit shall not guarantee its holder that a parking space will be available when needed.

(d) Display of Temporary Permit

- (1) A temporary parking permit in the form of a colored placard issued by the chief of police must be displayed on the dashboard of the driver side of the vehicle at all times the vehicle is parked in its designated area. A temporary permit that is not displayed in the required location shall not be a valid permit, and the vehicle will then be subject to all parking restrictions in the area.
- (2) The holder of a temporary permit shall remove and destroy the permit upon its termination date.

(e) Temporary Parking Permit Fee

- (1) An administrative fee of ten dollars (\$10.00) will be charged for the issuance or renewal of a temporary parking permit under this section.
- (2) If the holder of the temporary parking permit occupies a metered public parking space, an additional daily per meter fee of five dollars (\$5.00) will be charged for the use of the metered parking space.
- (3) All applicable fees shall be paid prior to issuance or renewal of the temporary parking permit.
- (4) Subject to the approval of the board of aldermen, the chief of police may set and increase fees as necessary at any time to defray the reasonable costs of the temporary parking program. (Ord. No. Z-24, 04-22-08)

Secs. 19-50—19-64. Reserved.

**ARTICLE IV. OPERATION OF
VEHICLES**

Sec. 19-65. Driving on roadways laned for traffic.

When any roadway has been divided into lanes, a driver of a vehicle shall drive so as to be entirely within a single lane and shall not move from the lane in which he is driving until he has first ascertained that such movement can be made with safety. The operators of motorcycles shall ride no more than two (2) abreast and shall ride single file when passing. (Rev. Ords. 1973, § 13-53)

State law reference—Similar provisions, G.L. c. 89, § 4A

Sec. 19-66. Driving on divided roadways.

Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such a division except when otherwise directed by an officer, sign, signal or marking. (Rev. Ords. 1973, § 13-54)

Sec. 19-67. Driving through safety zones.

It shall be unlawful for the driver of a vehicle, except on signal from a police officer, to drive over or through a safety zone. (Rev. Ords. 1973, § 13-55)

Sec. 19-68. Overtaking and passing generally.

The driver of a vehicle shall not overtake and pass a vehicle proceeding in the same direction unless there is sufficient clear space ahead on the right side of the roadway to permit the overtaking to be completed without impeding the safe operation of any vehicle ahead. (Rev. Ords. 1973, § 13-56)

Sec.19-69. Driver to give way to overtaking vehicle.

The driver of a vehicle when about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Rev. Ords. 1973, § 13-57)

Sec. 19-70. Passing streetcars.

The driver of a vehicle shall not overtake and pass upon the left any streetcar proceeding in the same direction, whether actually in motion or temporarily at rest. This provision shall not apply to one-way streets, to roadways where the street to the right of the streetcar is torn up or blockaded for an undue length of time, nor to places where the streetcar travels on or near the edge of the roadway. (Rev. Ords. 1973, § 13-58)

Sec. 19-71. Following too closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway. (Rev. Ords. 1973, § 13-59)

Sec. 19-72. Sounding warning devices.

The driver of a vehicle shall give an audible warning with his horn or other suitable warning device whenever necessary to insure safe operation. (Rev. Ords. 1973, § 13-60)

Cross reference -Unnecessary noises, § 20-13

Sec. 19-73. Emerging from alley, driveway or garage.

The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alleyway or driveway. (Rev. Ords. 1973, § 13-61)

Sec. 19-74. Obstructing traffic.

(a) No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this subsection to

drive to the side of the roadway and wait until such traffic as has been delayed has passed.

(b) No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk and on the right half of the roadway to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Rev. Ords. 1973, § 3-62)

Sec. 19-75. Care in starting, stopping, turning, backing.

The driver of any vehicle before starting, stopping, turning from a direct line or backing shall see that such movement can be made in safety. If the operation of another vehicle should be affected, by a stopping or turning movement, the driver of such vehicle shall be given a plainly visible signal, as required by statutory law. (Rev. Ords. 1973, § 13-63)

Sec. 19-76. Underpasses or overpasses; intersections with islands.

At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps and at any intersection of ways in which there are traffic islands, drivers of vehicles shall proceed only as indicated by official signs, signals or markings. (Rev. Ords. 1973, § 13-64)

Sec. 19-77. Driving on road surfaces under construction or repair.

No operator shall enter upon a road surface of any street or highway or section thereof, when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the city, either audibly or by signals. (Rev. Ords. 1973, § 13-65)

Sec. 19-78. Driving on sidewalks.

The driver of a vehicle shall not drive upon any sidewalk except at a permanent or temporary driveway. (Rev. Ords. 1973, § 13-66)

Sec. 19-79. Vehicular traffic or horseback riding on part of former street railway reservation.

Vehicular traffic or horseback riding is prohibited on the former street railway reservation between the north and south roadways on Commonwealth Avenue. (Rev. Ords. 1973, § 13-67)

Cross reference—Animals and fowl, Ch. 3

Sec. 19-80. Distance between slow-moving vehicles.

Upon roadways less than twenty-seven (27) feet wide and upon which vehicular traffic is permitted to operate in both directions, the driver of any slow-moving vehicle, when traveling outside of a business or residential district, shall not follow another slow-moving vehicle within two hundred (200) feet, but this shall not be construed to prevent such slow-moving vehicle from overtaking and passing another slow-moving vehicle. This section shall not apply to funerals or other lawful processions. (Rev. Ords. 1973, § 13-68)

Sec. 19-81. Funerals to be properly identified.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple symbol attached to both the first and last vehicles, or other suitable means. (Rev. Ords.

1973, § 13-69)

Sec. 19-82. Rights and duties of drivers in processions.

(a) It shall be the duty of each driver in a procession to keep as near the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as is practicable and safe.

(b) At an intersection where a traffic-control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or yellow indication.

(c) At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection. (Rev. Ords. 1973, § 13-70)

Sec. 19-83—19-98. Reserved (Sections moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07))

Sec. 19-99. Reserved

(Ord. No. S-274A, 11-16-87; Ord. No. V-172, 5-4-98; Ord. No. Z-81, 2-22-11)

Secs. 19-100—19-111. Reserved.

**ARTICLE V. PEDESTRIAN-CONTROL
REGULATIONS**

Sec. 19-112. Authority; definition.

(a) The provisions of this article are adopted pursuant to chapter 90, section 18A of the General Laws, and subject to the provisions thereof, are rules regulating the use by pedestrians of ways within the control of the city.

(b) The word "pedestrian" as used in this article shall have the meaning assigned to it in the General Laws. (Rev. Ords. 1973, § 13-93)

Cross reference - Definition of pedestrian, § 19-1

Sec. 19-113. Pedestrians crossing ways or roadways.

Pedestrians shall obey the directions of police officers directing traffic and whenever there is an officer directing traffic or a traffic-control signal within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of the marked crosswalk at the signalized location and as hereinafter provided in this article. For the purpose of this article, a "marked crosswalk" shall only be construed to be that area of a roadway reserved for pedestrian crossing located between two (2) solid white reflectorized twelve-inch pavement markings in rural areas or markings not less than six (6) inches wide in urban areas, such markings or lines being no less than six (6) feet apart. (Rev. Ords. 1973, § 13-94)

Sec. 19-114. Pedestrian actuation of traffic-control signals.

(a) At a traffic-control signal location where pedestrian indications are provided but which are shown only upon actuation by means of a pedestrian push button, a pedestrian shall not cross a roadway unless or until the pedestrian-control signal push button has been actuated and then cross only on the proper pedestrian signal indication. At traffic-control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.

(b) At a traffic-control signal location, pedestrians shall yield the right-of-way to vehicles of a funeral or other procession or authorized emergency vehicle while in the performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicle or procession has passed, at which time pedestrians shall then cross the roadway only as provided in these regulations. (Rev. Ords. 1973, § 13-95)

Sec. 19-115. Obedience to traffic-control signals.

Traffic-control signal color indications and legends shall have the following commands ascribed to them and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer:

- (1) *Red and yellow or the word "Walk."* Whenever the red and yellow lenses are illuminated together or the single word "Walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
- (2) *Red alone or "Don't Walk."* Whenever the words "Don't Walk" or any indication other than red and yellow shown together are illuminated in a traffic-control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of the roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic-control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the words "Don't Walk" are illuminated by rapid intermittent flashes.
- (3) *Green alone.* At traffic-control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.
- (4) *Yellow alone, red alone or flashing "Don't Walk."* Pedestrians approaching or facing a yellow, red or flashing "Don't Walk" illuminated indication shall not start to cross a roadway.
- (5) *Flashing red, yellow or green.* At any traffic-control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or walk indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care. (Rev. Ords. 1973, § 13-96)

Sec. 19-116. Vehicle operation at crosswalks.

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle, which for the purposes of this article shall include bicycles, shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a marked crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian approaches from the opposite half of the roadway to within five (5) feet of that half of the roadway upon which the vehicle is traveling.

(b) No operator of a vehicle shall pass any other vehicle which has been stopped at a marked crosswalk to permit a pedestrian to cross a way, nor shall any operator enter a marked crosswalk until there is sufficient space on the other side of the crosswalk to accommodate the vehicle he is operating, notwithstanding any traffic-control signal indication to proceed. (Rev. Ords. 1973, § 13-97)

Sec. 19-117. Pedestrian crossings and use of roadways.

(a) No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right-of-way.

(b) Pedestrians shall at all times attempt to cross a roadway using the right half of a crosswalk.

(c) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use.

(d) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable walk only on the left side of the roadway on its unfinished shoulder facing traffic which may approach from the opposite direction.

(e) Persons alighting from the roadway side of any vehicle parked at the curb or edge of the roadway shall proceed immediately to the sidewalk or edge of the roadway adjacent to the vehicle and shall cross the roadway only as authorized by these regulations.

(f) It shall be unlawful for any person to actuate a pedestrian-control signal or to enter a marked crosswalk unless a crossing of the roadway is intended. (Rev. Ords. 1973, § 13-98)

Sec. 19-118. Crossing not at crosswalk.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway. At a point where a pedestrian tunnel or overpass has been provided, pedestrians shall cross the roadway only by the proper use of the tunnel or overpass. (Rev. Ords. 1973, § 13-99)

Sec. 19-119. Operators to exercise due care.

The provisions of this article shall in no way abrogate the provisions of chapter 90, sections 14 and 14A of the General Laws which provide: "Precautions for Safety of Other Travelers" and for the "Protection of Blind Persons Crossing Ways." Furthermore, notwithstanding the provisions of this article, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation. (Rev. Ords. 1973, § 13-100)

Sec. 19-120. Soliciting rides or business.

No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the board or officer having control of such roadway or highway. (Rev. Ords. 1973, § 13-101)

Cross reference—Licensing and permits generally, Ch. 17

Sec. 19-121. Exemptions.

The provisions of this article governing the use of ways by pedestrians shall not apply to pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair, to municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these rules and regulations. (Rev. Ords. 1973, § 13-102)

Sec. 19-122. Penalties.

Any person who violates the provisions of this article which deal with the proper use of ways by pedestrians shall be punished as provided in chapter 90, section 18A of the General Laws. Any person convicted of a violation of any other provisions of this article relative to the operation of vehicles shall be punished by a fine not exceeding twenty dollars (\$20.00) for each offense. (Rev. Ords. 1973, § 13-103)

Secs. 19-123—19-138. Reserved.

ARTICLE VI. TRAFFIC SIGNS, SIGNALS, MARKINGS AND ZONES

Sec. 19-139. Placed and maintained by commissioner of public works.

The commissioner of public works is hereby authorized, and as to those signs and signals required by this chapter it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the department of public works of the commonwealth. (Rev. Ords. 1973, § 13-115; Ord. No. 90, 10-6-75)

Sec. 19-140. Necessity for signs.

The provisions of sections 19-48 and 19-176 shall be effective only during such time as a sufficient number of official signs designating the provisions of such sections are erected and maintained in each block and located so as to be easily visible to approaching drivers. The provisions of sections 19-83 and 19-85 shall be effective only during such time as a sufficient number of official signs designating the provisions of such sections are erected and maintained at each of the exits for each street affected thereby so that at least one sign will be clearly visible for a distance of at least seventy- five (75) feet to drivers approaching such an exit. The provisions of sections 19-47, 19-86, 19-87, 19-166(m) and 19-167 through 19-172, inclusive, shall be effective only during such time as a sufficient number of official signs designating the provisions of such sections and the locations at which they apply are erected and maintained so as to be easily visible to approaching drivers. (Rev. Ords. 1973, § 13-116)

Sec. 19-141. Unauthorized signs, signals, markings.

No person or corporation shall place, maintain or display upon or in view of any street any unofficial device, sign, signal, curb marking or street marking which purports to be or is an imitation of or resembles an official traffic device, sign, signal, curb marking or street marking or which attempts to direct the movement of traffic or which hides from view any official sign, signal, marking or device. The chief of police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice. (Rev. Ords. 1973, § 13-117)

Sec. 19-142. Interference with signs, signals, markings.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be punished as provided in section 19-8. (Rev. Ords. 1973, § 13-118)

Sec. 19-143. Obedience required.

No driver of any vehicle or of any streetcar shall disobey the instructions of any official traffic-control signal, sign, marking, marker or legend unless otherwise directed by a police officer. (Rev. Ords. 1973, § 13-119)

Sec. 19-144. Traffic-control signal legend.

Colors and arrow indications in traffic-control signals shall have the following commands ascribed to them and no

other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic-regulating sign (other than a stop sign), signal or device or except as provided in section 19-82(b); in no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic-control signals:

- (1) *Flashing red.* When a red lens is illuminated in a traffic-control signal by rapid intermittent flashes, and its use has been specifically authorized by the department of public works of the commonwealth, drivers shall stop before entering the nearer line of a crosswalk of the street intersection, or at a stop line when marked, and the right to proceed shall then be governed by the provisions of chapter 89, section 8 of the General Laws.
- (2) *Flashing yellow.* A flashing yellow lens shall indicate the presence of a hazard and drivers may proceed only with caution.
- (3) *Green.* While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right-of-way to pedestrians crossing with the flow of traffic.
- (4) *Red.* While the red lens is illuminated, drivers facing the signal shall stop outside of the intersection, or at such point as may be clearly marked by a sign or line; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.
- (5) *Right, left and vertical green arrows.* When a right green arrow is illuminated, drivers facing such signal may turn right; when a left green arrow is illuminated, drivers facing such signal may turn left; when a vertical green arrow is illuminated, drivers facing such signal may go straight ahead; and when a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right-of-way to vehicles and pedestrians proceeding from another direction on a green indication.
- (6) *Yellow.* While the yellow lens is illuminated, waiting drivers shall not proceed and any drivers approaching the intersection or a marked stop line shall stop at such point unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow. (Rev. Ords . 1973, § 13-120)

Sec. 19-145—19-149 Reserved. (Sections moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07))

Secs. 19-150—19-165. Reserved.

ARTICLE VII. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 19-166. General provisions.

Except as provided in section 26-16 no person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way, highway, road, parkway or private way dedicated to the use of the public in

violation of any of the provisions of this code and in particular in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the direction of any police officer, traffic sign or signal:

(a) Within an intersection, except within those intersections where the installation of parking meters has been specifically approved by the Massachusetts department of public works.

(b) Upon any sidewalk.

(c) Upon any crosswalk.

(d) Upon the roadway in a rural or sparsely settled district.

(e) Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway; except upon those streets which are designated as one-way streets a vehicle shall be parked in the direction in which such vehicle is moving and with both wheels within twelve (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by this chapter.

(f) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.

(g) Upon any street or highway within ten (10) feet of a fire hydrant.

(h) In front of or within five (5) feet of any private road or driveway.

(i) Upon any street or highway within twenty (20) feet of an intersecting way, except alleys.

(j) Within fifteen (15) feet of the wall of a fire station or directly across the street from such fire station, provided signs are erected acquainting the driver with such restriction.

(k) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(l) Within twenty-five (25) feet of the nearest rail of a railroad crossing when there are no gates at such crossing, or otherwise within five (5) feet from the gate.

(m) On a bridge and the approach thereto.

(n) Upon any way in such a manner as to impede the removal or plowing of snow or ice.

(o) In an area designated as a fire lane.

(Rev. Ords. 1973, § 13-136; Ord. No. 283, 6-19-78; Ord. No. 326, 4-4-79; Ord. No. R-32, 11-5-79; Ord. No. R-39, 12-3-79; Ord. No. S-10, 9-6-83; Ord. No. S-309, 4-19-88; Ord. No. S-131, 2-19-85; Ord. No. S-152, 10-21-85; Ord. No. T-164, 8-8-91; Ord. No. U-4, 3-21-94)

Sec. 19-167. Parking near safety zones.

No person shall park a vehicle within twenty (20) feet of either end of a safety zone which is located within thirty (30) feet of the curb or edge of the roadway. (Rev. Ords. 1973, § 13-137)

Sec. 19-168—19-169. Reserved. (Sections moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07))

Sec. 19-170. Bus stops.

- (a) No person shall stop or park a vehicle other than a bus in a bus stop.
 - (b) No person shall park a bus upon any street within a business district at any place other than a bus stop when a nearby bus stop is available for use. (Rev. Ords. 1973, § 13-140)
- Cross references**—Business licenses for vehicles for hire, Ch. 19, Art. XII, Div. 2; driver's license for vehicles for hire, Ch. 19, Art. XII, Div. 3; Buses generally, Ch. 19, Art. XII, Div. 4

Sec. 19-171. Taxicab stands.

- (a) No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand.
- (b) No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his taxicab or taxicabs, except while engaged or while waiting for an opportunity to use a taxicab stand designated for his use. (Rev. Ords. 1973, § 13-141)

Sec. 19-172. Loading zones.

- (a) No person shall park a vehicle upon any street in any loading zone except while actually engaged in loading or unloading, which shall not be permitted for a period of time longer than the time limits specified in subsection (c) and (d).
- (b) The dimensions and markings of loading zones shall be established by the street commissioner.

(Rev. Ords. 1973, § 13-142; Ord. No. 14, 9-3-74; Ord. No. 126, 4-20-76; Ord. No. 164, 10-18-76; Ord. No. 171, 10-18-76; Ord. No. 204, 3-21-77; Ord. No. 251, 12-19-77; Ord. No. 322, 4-4-79; Ord. No. R-12, 6-4-79; Ord. No. R-85, 9-8-80; Ord. No. R-101, 12-1-80; Ord. No. R-200, 12-7-81; Ord. No. S-48, 3-5-84; Ord. No. S-104, 7-8-85; Ord. No. S-169, 4-22-86; Ord. No. S-196, 3-17-86; Ord. No. T-55, 9-18-89; Ord. No. T-112, 10-15-90; Ord. No. T-118, 1-7-91; Ord. No. T-209, 12-2-91; Ord. No. T-256, 12-21-91, Ord. No. V-30, 7-10-95; Ord. No. Z-19, 03-17-08)

(Sec. 19-172 (c) and (d) moved to Traffic and Parking Regulations (Ord. No. Z-19, 03-17-08))

Sec. 19-173. Parking vehicles for sale.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale. (Rev. Ords. 1973, § 13-143)

Sec. 19-174. Parking of commercial vehicles and trailers.

(a) *Parking of commercial vehicles and trailers.*

(1) For the purposes of this section, the following definition shall be used:

Commercial vehicle: Any vehicle which is used in the commercial transportation of goods, wares, merchandise, materials or other property, or which has a commercial registration plate, and which has one or more of the following characteristics:

- a) has a carrying capacity in excess of two and one-half (2 1/2) tons;

- b) is more than eighteen (18) feet in length or seven (7) feet in width;
- c) has more than four wheels or more than two axles;
- d) contains more than four square feet of advertising.

Trailer: Any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle.

- (2) It shall be unlawful year round for any commercial vehicle or trailer to be parked on any street, way, highway, road, parkway or private way dedicated or open to the use of the public for a period of time longer than two hours, provided, however, that this regulation shall not apply in the following instances:

- a) a commercial vehicle or trailer parked at a metered parking space;
- b) a commercial vehicle or trailer parked temporarily during the actual loading or unloading of materials;
- c) a commercial vehicle or trailer acting in an emergency; or
- d) a commercial vehicle or trailer parked within 500 feet of the work site of the driver of such vehicle or trailer. This exemption shall not apply where the work site of the driver or owner of the vehicle or trailer is also the residence for the driver or owner.

- (3) The penalty for violation of subsection (2) of this section shall be as follows: for the first offense, a warning; for the second offense, twenty-five dollars (\$25.00); and for each subsequent offense, the vehicle or trailer shall be towed to a convenient place and the owner of the vehicle or trailer towed away shall be liable for the towing and storage charges, if any, within the limits set forth in section 19-226. The owner of any vehicle removed or towed under the provisions of this section shall also be subject to the penalties provided in section 19-8 of this chapter.

(b) *Other vehicles:* From November 15th through April 15th, it shall be unlawful for any vehicle, other than one acting in an emergency, to be parked on any street, way, highway, road, parkway or private way dedicated or open to the use of the public for a period of time longer than one hour between the hours of 2:00 a.m. and 6:00 a.m. (Rev. Ords. 1973, § 13-144; Ord. No. S-87, 2-4-85; Ord. No. T-186, 11-18-91; Ord. No. Y-3, 3-19-07; Ord. No. Z-14, 11-5-07)

Sec. 19-175. Angle parking.

(a) The board of aldermen shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

(b) Upon streets or parts of streets which have been marked or signed for angle parking, vehicles shall be parked with one wheel within twelve (12) inches of the curb and at the angle to the curb indicated by such marks or official signs. The vehicle shall be parked so that all four (4) wheels of the vehicle shall be placed wholly within the painted lines provided. (Rev. Ords. 1973, § 13-145)

Sec. 19-176—19-177. Reserved. (Sections moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07))

Sec. 19-178. Handicapped persons and disabled veterans parking.

(a) No person shall park a vehicle upon any street or in any parking lot operated by the city in parking spaces designated for handicapped persons and disabled veterans unless said vehicle:

- (1) properly bears the distinctive handicapped or disabled veteran license plates authorized by section 2 of chapter 90 of the General Laws; or
- (2) is being used for transporting a handicapped person and properly displays the special handicapped parking identification plate authorized by section 2 of chapter 90 of the General Laws; or
- (3) properly bears the official identification of a handicapped person issued by any other state, or any Canadian Province.

(b) The traffic council is authorized to establish handicapped parking spaces upon streets in accordance with the following procedure:

- (1) Any person may submit a petition to the clerk of the board of aldermen to add, remove, or relocate a disabled parking space.
- (2) Notice of the traffic council's hearing on such petition shall be sent by the clerk of the board of aldermen to the petitioner, abutters and owners of land directly opposite on any street, and abutters of abutters within 200 feet of the property line of the petitioner, as they appear on the most recent applicable tax list.
- (3) The board of aldermen may establish policies and standards, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council in its review of such petitions. The traffic council shall make its determinations to establish and discontinue handicapped parking spaces in accordance with such policies and standards.
- (4) For disabled parking spaces located adjacent to a property for which the primary use is residential, the clerk of the traffic council shall notify the owner and/or occupant in January of every odd-numbered year to verify that the space continues to be utilized by a disabled person or disabled veteran. The traffic council may immediately remove any such space no longer so utilized, or any space for which no response to the clerk's inquiry is received.
- (5) The traffic council may not reconsider petitions that have been previously denied within the prior twenty-four month period, unless there has been a material change in condition.

(c) The traffic council shall maintain in its regulations a list of the locations of handicapped parking spaces that have been designated pursuant to this subsection.

(d) The commissioner of public works shall designate handicapped parking spaces in municipal off-street parking areas.

(Rev. Ord. 1989, § 19-166(o); Ord. No. T-9, 2-6-89; Ord. No. T-13, 3-20-89; Ord. No. T-50, 9-18-89; Ord. No. T-61, 11-6-89; Ord. No. T-103, 9-4-90; Ord. No. T-133, 3-4-91; Ord. No. T-111, 8-12-91; Ord. No. T-181, 10-21-91; Ord. No. T-191, 11-18-91; Ord. No. T-218, 2-18-92; Ord. No. T-279, 6-21-93; Ord. No. T-292, 7-12-93; Ord. No. T-299, 9-20-93; Ords. No. U-10, U-11, U-13, 4-19-94; Ord. No. U-45, 11-7-94; Ord. No. V-13, 3-20-95; Ord. No. V-42, 11-6-95; Ord. No. V-66, 2-20-96; Ord. No. V-81, 6-2-96; Ord. No. V-95, 11-4-96; Ord. No. V-129, 7-14-97; Ord. No. V-135, 9-15-97; Ord. No. V-161, 2-17-98; Ord. No. V-185, 7-13-98; Ord. No. V-190, 8-10-98; Ord. No. V-210, 12-7-98; Ord. No. V-227, 3-1-99; Ord. No. V-242, 5-17-99; Ord. No. V-278, 2-7-2000; Ord. No. V-310, 6-5-2000; Ord. No. W-3, 8-14-00; Ord. No. W-29, 2-5-01; Ord. No. W-67, 11-19-01; W-68, 11-19-2001; Ord. X-18, 5-6-02;

Ord. X-49, 5-5-03; Ord. No. X-85, 3-15-04; Ord. No. X-114, 10-18-04; Ord. X-118; 11-01-04, Ord. X-119, 11-1-04; Ord. No. X-133, 12-6-04; Ord. No. X-129, 12-20-04; Ord. No. Z-30, 07-14-08)

Statutory reference—G.L. ch. 40 § 21 cl. 23; and G.L. ch. 90 § 2

Sec. 19-179. Reserved. (Section moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07))

Sec. 19-180. Reserved. (Section moved to Traffic and Parking Regulations (Ord. No. Z-19, 03-17-08))

Sec. 19-181—19-187. Reserved.

DIVISION 2. PARKING METERS

Sec. 19-188. Establishment of spaces and installation of parking meters; type of meters; operation and maintenance.

(a) The commissioner of public works, with the approval of the mayor, is hereby authorized and directed to establish and install parking meter spaces in the parking meter zones including curb or street marking lines, and a parking meter with respect to each such space. Such parking meters shall be in operation for the regulation of parking in such parking meter spaces during the periods specified in this chapter. The commissioner of public works shall have charge of the operation of such parking meters and shall maintain the same in good workable condition. The parking meters installed in parking meter zones shall be of the automatic multiple-coin type capable of receiving sufficient coins of five cent (\$0.05) or ten cent (\$0.10) denominations for the payment of the fee for parking at the location of such meter, for the maximum time permitted by this chapter. Such meters shall be placed upon the curb next to the individual parking meter spaces. The parking meters established in parking meter areas specified in section 19-194 shall be of the automatic type, capable of receiving a coin of twenty-five cent (\$0.25) denomination. The parking meters installed in parking meter zones specified in section 19-195 shall be of the automatic multiple-coin type, capable of receiving sufficient coins of ten cent (\$0.10) denomination for the payment of the fee for parking at the location for the maximum time permitted by these regulations.

(b) Parking meter spaces shall be so arranged as to conform to the provisions of this chapter regarding parking at or near street intersections, crosswalks, fire hydrants, fire stations, private roads or driveways, safety zones, bus stops, taxicab stands and service zones. All meters shall bear adequate instructions regarding the maximum parking time, fees and operation of the meters. (Rev. Ords. 1973, § 13-154; Ord. No. 53, 2-18-75; Ord. No. 90, 10-6-75)

Sec. 19-189. Manner of parking in parking meter spaces; unlawful parking.

(a) Whenever any vehicle shall be parked next to a parking meter, the operator of the vehicle shall park within the area designated by the curb or street marking lines, and upon entering the parking space shall immediately deposit in the meter one or more five cent (\$0.05) or ten cent (\$0.10) coins or a twenty-five cent (\$0.25) coin. It shall be unlawful for any person to fail or neglect to deposit such coins or to fail to park within the limits designated. Such parking meter space may be used by such vehicle during the time limited according to the sum thus deposited and such vehicle shall be unlawfully parked if it shall remain in such space beyond the period of time for which the operator shall have deposited coins in the meter.

(b) It shall be unlawful for any person to cause any vehicle to be unlawfully parked as provided in paragraph (a); however, it shall not be unlawful for any person to park a vehicle in a metered parking space without depositing coins in the meter, provided the meter does not show that the time for such parking has expired and further provided that the total period of time used shall not exceed the total period of time to which such metered parking space is limited for use. (Rev. Ords. 1973, § 13-155; Ord. No. 53, 2-18-75)

Sec. 19-190. Overtime parking.

No person shall park a vehicle for a longer consecutive period than the limit specified and between the hours specified on any of the streets or parts of streets designated as parking meter zones in which parking meters and parking meter spaces are to be established pursuant to this chapter. (Rev. Ords. 1973, § 13-156)

Sec. 19-191. Parking meter fees.

The fees for parking in a parking meter space during the days and hours designated for parking meter zones shall be as follows:

(a) For parking meter zones with a time limit of four hours or less, the fee shall be five cents (\$0.05) for each four (4) minute period or part thereof; and

(b) For parking meter zones with a time limit of greater than four hours, including those parking meter zones that have no time limit, the fee shall be five cents (\$0.05) for each six (6) minute period or part thereof. (Rev. Ords. 1973, § 13-157; Ord. No. 53, 2-18-75; Ord. No. 70, 5-5-75; Ord. No. 318, 3-5-79; Ord. No. R-28, 3-16-81; Ord. No. S-29, 12-5-83; Ord. No. W-44, 5-29-01; Ord. No. X-207, 4-18-06; Ord. No. Z-58, 12-21-09)

Sec. 19-192. Feeding meters; tampering with, injuring or destroying meters unlawful.

It shall be unlawful for any person to deposit or cause to be deposited in a parking meter any coin for the purpose of extending the period of permissible parking as shown by such meter beyond the maximum period of parking as prescribed for such parking meter space. It shall be unlawful for any person not authorized to do so to open, tamper with, break, injure or destroy any parking meter. (Rev. Ord. 1973, § 13-158)

Sec. 19-193. Collection, deposit of fees; inspection of meters; parking meter fund subject to appropriation.

The commissioner of public works shall collect or cause to be collected weekly or more often, at his discretion, all coins deposited in parking meters, and shall inspect such meters or cause the same to be inspected weekly to see if they are in proper working order. He shall turn over all money collected from such parking meters on the same day as collection is made to the city collector-treasurer who shall keep a separate account of such monies designated as the "parking meter account." The mayor shall have authority to require employees of the department of public works engaged in the collection of such monies to be bonded in such amount as he may deem advisable. The parking meter account shall be subject to appropriation by the board of aldermen upon recommendation of the mayor for all purposes for which collections from parking meters may lawfully be expended, and sums from such account may be expended without appropriation for the purchase of such parking meters in accordance with any duly authorized contract for the acquisition of such meters which makes provision for the payment for such meters out of the fees collected therefrom. (Rev. Ords. 1973, § 13-159; Ord. No. 90, 10-6-75)

Sec. 19-194 – 19-195. Reserved. (Sections moved to Traffic and Parking Regulations (Ord. No. Z-31, 07-14-08))

Sec. 19-196. Enforcement.

It shall be the duty of the police department to take the parking meter number and the registration number of all vehicles whose operators violate the provisions pertaining to parking meters and to prosecute such violations under applicable law.

(a) Parking meters shall be in operation for the regulation of parking in parking meter zones Monday through Saturday from 8:00 a.m. to 6:00 p.m., except Sundays and legal holidays, during which time no time limits or fees shall be in effect, except for locations designated in section 19-196(b), where alternative enforcement

times are specified.

- (b) Parking meters shall be in operation for the regulation of parking meter zones Monday through Friday from 8:00 a.m. to 6:00 p.m. except Sundays and legal holidays, during which no time limits or fees shall be in effect, at the following locations:

Austin Street Parking Area

Melrose Avenue Parking Area

(Rev. Ords. 1973, § 13-162; Ord. No. Z-31, 07-14-08)

Sec. 19-197. Disabled veterans.

Notwithstanding any other provision of this chapter, no parking meter fee shall be exacted and no penalty shall be imposed for the parking of any vehicle owned and driven by a disabled veteran or by a handicapped person and bearing the distinctive number plates authorized by chapter 90, section 2 of the General Laws. (Rev. Ords. 1973, § 13-163)

Sec. 19-198. Senior citizen sticker parking.

(a) Metered parking in municipal lots shall be free to senior citizens who procure a sticker from the department of senior services and display the same on their motor vehicle; provided, however, that the time limit restriction at that particular metered location shall be obeyed. Newton senior citizens shall each be entitled to one such sticker annually for motor vehicles registered in Newton to them. Stickers shall be issued at a charge of one dollar annually by the department of senior services under such rules and regulations as the director of senior services shall promulgate with the approval of the board of aldermen.

(b) For the purposes of this section, "senior citizen" shall mean any person sixty-five (65) years of age or older. (Rev. Ords. 1973, § 13-164; Ord. No. 232, 8-15-77; Ord. No. 282, 6-19-78; Ord. No. 321, 3-19-79; Ord. No. R-122, 2-17-81; Ord. No. X-175, 5-26-05)

DIVISION 3. SPECIAL PARKING
REGULATIONS

Sec. 19-199. Regulations and enforcement of disabled veterans and handicapped person parking spaces on private property.

(a) Any person or body that has lawful control of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of chapter ninety of the General Laws (HP/V plate) according to the following formula:

<i>Total Number of Stall</i>	<i>Handicapped Stalls</i>
16-25	1 space
26-40	5% but not less than 2 spaces

41-100	4% but not less than 3 spaces
101-200	3% but not less than 4 spaces
201-500	2% but not less than 6 spaces
501-1000	1.5% but not less than 10 spaces
1001-2000	1% but not less than 15 spaces
2001-5000	3/4 of 1% but not less than 20 spaces
5001 +	1/2 of 1% but not less than 30 spaces

(b) Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense;" shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four (4) feet of cross hatch between them.

(c) It is hereby prohibited for any person to leave any unauthorized vehicle (lacking an HP/V plate) within a parking space designated for use by disabled veterans or handicapped persons, as authorized by clause (23) of section 21 of chapter 40 of the General Laws, or to leave such unauthorized vehicle in such a manner as to obstruct a curb ramp designed for use by disabled veterans or by handicapped persons as a means of egress to a street or public way.

(d) The penalty for violation of any provision of this ordinance shall be as follows: for the first offense, fifteen dollars (\$15.00); for the second offense, twenty-five dollars (\$25.00); and for each subsequent offense, the vehicle may be removed according to the provisions of section 120D of chapter 266 of the General Laws. (Ord. No. R-252, 7-12-82)

Cross reference—Police department, Ch. 24

Cross reference—Veterans' services, Ch. 28

Sec. 19-200. Resident sticker and visitor permit; municipal lot parking program.

There shall be a resident sticker parking and visitor permit parking program in the City of Newton to govern overnight parking of residents' and visitors' motor vehicles in designated municipal parking lots as follows:

A. Resident Sticker Parking:

- (1) A resident parking sticker of a design specified by the chief of police shall be issued by the police department to an owner of a motor vehicle which is registered in the Commonwealth of Massachusetts, in a state other than the Commonwealth of Massachusetts, or by the federal government, with a registered gross weight of under two and one-half (2½) tons, principally garaged in the City of Newton, owned or used by a resident of the City of Newton, and which otherwise qualifies for issuance of a sticker under this ordinance.
- (2) Acceptable proof of residency for subsection (1) will be either: (A) a signed, current lease showing the applicant's name as a tenant or a signed written statement from the property owner or landlord affirming that the applicant is a resident of the subject property; or (B) a current registration certificate issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, stating the information required in section 1;

or (C) a current registration certificate issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, accompanied by a Massachusetts Registry of Motor Vehicles "Change of Address Form", properly completed and stating the information required in subsection (1). The police department may require the Registry of Motor Vehicles "Change of Address Form" to be completed by the applicant and left with the department for mailing directly to the Registry of Motor Vehicles if there is any doubt as to the authenticity of the applicant's proof required under subsection (2)(C). The Registry form must contain the information required in subsection (1).

(3) The chief of police shall, in the exercise of his discretion, determine which municipal parking lot to assign to a particular resident or visitor based on consideration of the area of the city resided in, the resident's proximity to a municipal lot and the capacity of a lot, as well as consideration of the health, safety and welfare of the general public.

(4) The number of resident parking stickers issued to a resident shall be limited as follows:

a) Any dwelling unit which has on the property upon which the unit is sited a curb cut and either a garage or some other space, driveway or area suitable for parking one or more cars shall have the maximum number of parking stickers available under the ordinance reduced by the number of spaces on the property.

The determination of the number of available parking spaces shall be made by the city traffic engineer, who shall visit each site on an application-made basis and report his findings to the police department before a parking sticker is issued to the resident. An available parking space shall be any on-site parking area measuring twenty (20) feet by eight (8) feet.

b) For residents of a single or two family house, the maximum number of resident parking stickers shall be two (2) per dwelling unit.

c) For residents of a three family or four family house, the maximum number of resident parking stickers shall be one per dwelling unit.

d) For residents of legally zoned apartments, apartment buildings, or condominium dwelling units, the maximum number of resident parking stickers shall be two (2) per apartment or dwelling unit.

(5) Other provisions governing resident sticker parking:

a) Resident parking stickers will show the registration number of the vehicle to which it is assigned, the sticker's effective year, and the municipal parking lot area designated by the chief of police for parking the vehicle.

b) The chief of police may establish rules governing the display of resident parking stickers.

c) Resident parking stickers shall expire on December 31 of each year.

B. Visitor Permit Parking:

(1) One or more visitor parking permits of a design specified by the chief of police shall be issued by the police department to any resident who is listed in the current police listing for the City of Newton.

(2) Visitor permits issued by the police department will show the registration number of the vehicle to which it is assigned, the permit's effective dates, and the municipal lot area designated for parking the vehicle.

- (3) The chief of police may establish rules governing the display of resident parking stickers.
- (4) Visitor parking permits shall be issued for a period of time not to exceed five (5) days and shall be issued for the same vehicle registration number not more than three (3) times in one calendar year.
- (5) Visitor permits will not be replaced if lost.
- (6) Parkers with a visitor permit must obey all other regulations that govern parkers with a resident sticker.

C. Other Provisions Governing Resident Sticker and Visitor Permit Municipal Lot Parking:

- (1) Applications for resident stickers or visitor permits shall be made on a form prescribed by the chief of police.
- (2) Vehicles authorized to park overnight in municipal lots shall not be assigned to a specific space in the lot but shall be permitted to park in any marked space on the first arrived basis until all marked spaces in the lot have been filled.
- (3) Resident stickers and visitor permits shall be issued by the police department to qualified applicants free of charge.
- (4) Resident stickers and visitor permits and ordinances governing their use shall be effective daily between the hours of 7:00 p.m. and 7:00 a.m. for municipal lot parking. All other parking and traffic regulations and ordinances of the City of Newton remain in full force and effect and must be obeyed by sticker or permit parkers.
- (5) All sticker or permit parking in municipal lots shall automatically be suspended upon the declaration of a snow emergency in the city by the chief of police or his designee.
- (6) Resident stickers and visitor permits will automatically be revoked if a motor vehicle ceases to qualify under this section, if the sticker or permit is applied to a vehicle other than the one so designated at the time of application, or if the applicant for a visitor permit ceases to qualify under this section.
- (7) For purposes of this section, all references to municipal parking lots or to municipal lots shall be deemed the equivalent of references to municipal off-street parking areas as may appear in chapter 19 of the Revised Ordinances. References to municipal parking lots, municipal lots or municipal off-street parking areas shall not include any parking areas adjacent to Newton public schools or within school grounds.
- (8) Appeals from this section must be filed in writing with the board of aldermen within thirty (30) days of the police department's denial of an application for a resident sticker or visitor permit, which board shall be limited in its review to factual errors in information submitted to the chief of police or the police department or to whether the chief of police or police department's discretion was abused.
- (9) This ordinance, together with any amendments thereto, will be posted in the offices of the police department. (Ord. No. R-288, 1-17-83; Ord. No. R-289, 2-8-83; Ord. No. R-294, 2-22-83; Ord. No. S-2, 7-11-83; Ord. No. T-304, 11-1-93)

Sec. 19-201. Resident sticker and visitor permit parking program.

There shall be a resident sticker and visitor permit parking program in the City of Newton to govern parking of residents' and visitors' motor vehicles on designated city streets in restricted areas during designated times, as

follows:

A. Establishment of restricted area.

- (1) One or more residents or property owners of the City of Newton, the chief of police or the commissioner of public works or his designee may petition the traffic council to establish, extend, reduce or delete an area in which parking shall be restricted to vehicles displaying valid resident stickers or visitor permits for that area. In order for a resident's or property owner's petition to establish or extend a restricted area to be considered by the traffic council, it must be submitted with signatures of one or more residents of each of at least fifty percent (50%) of the dwelling units located in the area in which parking restrictions are proposed. Such an area may be any portion or all of one or more streets, but the minimum proposed restricted area must be at least one street block in length, and any restricted area must be bordered only by properties the primary use of which is residential. In accordance with guidelines approved by the board of aldermen, the traffic council may consider a petition for a restricted area that is not bordered only by properties the primary use of which is residential or for a restricted area that is less than one block in length. In addition, no petition for a restricted area will be considered unless alternative parking restrictions, such as time limitations or parking prohibitions, covering the entire proposed restricted area, have been in effect for at least one (1) year immediately prior to such consideration. Permit parking restrictions shall not be established for any period between 2:00 a.m. and 6:00 a.m.
- (2) Upon receipt of such a petition as specified above, the traffic council shall schedule a public hearing within sixty (60) days and notices of such hearing shall be sent to abutters and to those residents and property owners of record at all addresses within five hundred (500) feet of the proposed or existing restricted area. The traffic council shall not deny a petition because of defects in the notice procedure required by this section, unless a resident, property owner, or abutter has been prejudiced thereby.
- (3) In reviewing the petition, the traffic council shall consider the following criteria:
 - a) vehicular circulation and safety;
 - b) pedestrian safety;
 - c) lack of convenient off-street parking for residents of the area of the proposed restriction;
 - d) level of demand for on-street parking by nonresidents of the area of the proposed restriction, including analysis of probable displacement of nonresidential parking to adjacent residential areas if the proposed restrictions should be implemented;
 - e) extent to which existing and/or alternative parking regulations are ineffective to deal with parking problems in the area of the proposed restriction.
- (4) The traffic council may establish a restricted area only in an area where alternative parking restrictions, such as time limitations or parking prohibitions, have been in effect for at least one (1) year immediately prior to the petition. The traffic council shall review the effectiveness of the existing restrictions prior to establishment of a new restricted area.
- (5) Following the public hearing, the traffic council may adopt a regulation establishing or deleting one or more areas, as related to the petition, in which parking shall be restricted to residents of the particular restricted areas during time periods to be established as part of such ordinance.

B. Issuance of resident parking stickers:

- (1) Resident parking stickers shall identify the restricted area to which they apply and shall be of a design specified by the chief of police. One such sticker for a restricted area shall be issued by the chief of police or his designee to an owner of a motor vehicle which is registered in the Commonwealth of Massachusetts, with a registered gross weight of under two and one half (2½) tons, which is principally garaged in the City of Newton at an address which borders a restricted area or which is contiguous to a lot that borders said restricted area, as established in accordance with subsection (a) above, which is owned or used by a resident of the City of Newton at said address, and which otherwise qualifies for issuance of a sticker under this section. Notwithstanding the foregoing, the owner of a motor vehicle principally garaged at a lot which is contiguous to the rear lot line of a non-corner lot bordering the restricted area will not be entitled to a sticker.
- (2) Upon establishment of a restricted area by the traffic council, the city engineer shall determine those addresses at which registered vehicles shall be eligible to receive resident parking stickers, and forward a list of such addresses to the chief of police and to the board of assessors. The board of assessors shall provide a description of the use at each address including the existing number of dwelling units as it appears in the assessing records, and forward that information to the chief of police.
- (3) Acceptable proof of residency in subsection (1) hereof will be either (A) a current registration certificate issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, stating the information required in subsection (1); or (B) a current registration certificate issued by the Registry of Motor Vehicles, Commonwealth of Massachusetts, accompanied by a Massachusetts Registry of Motor Vehicles "Change of Address Form", properly completed and stating the information required in subsection (1). The police department may require the Registry of Motor Vehicles "Change of Address Form" to be completed by the applicant and left with the department for mailing directly to the Registry of Motor Vehicles if there is any doubt as to the authenticity of the applicant's proof under subsection (3)(B). The Registry form must contain the information required in subsection (1).
- (4) The number of resident parking stickers issued to a resident at an eligible address shall be limited as follows: the maximum number of resident parking stickers for residents at eligible addresses shall be two (2) per dwelling unit. Motor vehicles not registered at the address shall not be eligible for a sticker.
- (5) Other provisions governing resident sticker parking:
 - a) Resident parking stickers shall show the registration number of the vehicle to which it is assigned, the sticker's effective year, and the area in which it is effective.
 - b) The chief of police may establish rules governing the display of resident parking stickers.
 - c) Resident parking stickers shall expire on December 31 of each year.
 - d) Any outstanding fines for parking violations attributable to the motor vehicle for which a resident parking sticker is requested must be paid in full before said sticker is issued.
 - e) The fee for resident parking stickers shall be twenty-five dollars (\$25.00) per year per vehicle.
 - f) Notwithstanding the provisions of this section or any other provision in this chapter to the contrary, no penalty shall be imposed for the parking on any street designated as resident permit parking area of any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinctive number plate authorized by section 2 of chapter 90 of the General Laws or for the parking of any vehicle used to transport a disabled veteran or handicapped person who bears a properly displayed

special parking identification placard as authorized by section 2 of chapter 90 of the General Laws.

C. Issuance of visitor parking permits:

- (1) Visitor parking permits shall be distinguished by area, shall be transferable between vehicles, and shall be of a design specified by the chief of police.
- (2) Two (2) such permits for a restricted area shall be issued by the chief of police or his designee to any resident eligible for the issuance of resident parking stickers. Notwithstanding the foregoing, the maximum number of visitor parking permits shall be two (2) per dwelling unit. For residents of a dwelling unit in a restricted area in which there exists a home office or home occupation permitted as an accessory use by sections 30-8(c) and 30-9(2)(i) of the Revised Ordinances, the maximum number of visitor parking permits may be increased by one (1), unless the home office is that of a physician or dentist, in which case the maximum number of visitor parking permits may be increased by two (2).
- (3) Visitor parking permits shall show the permit's effective year and shall expire on December 31 of each year.
- (4) Visitor parking permits will not be replaced if lost.
- (5) Visitor parking permits shall be issued to qualified residents free of charge.
- (6) The chief of police may establish rules governing the display of resident parking stickers.

D. Exemptions:

- (1) Visitor parking permits for a restricted area may be issued by the chief of police or his designee in such a number, and to such institutions, organizations, or persons, as the board of aldermen shall authorize in establishing permit-parking restrictions in accordance with subsection (a) above.
- (2) Such additional visitor permits shall be issued, where authorized by the board of aldermen, free of charge.
- (3) The chief of police or the chief's designee may, at his discretion and upon request of any resident at an eligible address, waive the permit parking restrictions in a restricted area for a limited period of time.

E. Other provisions governing resident sticker parking and visitor permit parking:

- (1) Applications for resident stickers or visitor permits shall be made on a form prescribed by the chief of police or his designee.
- (2) Resident stickers and visitor permits and ordinances governing their use shall be effective in locations and during hours established in accordance with subsection (a) above. All other parking and traffic regulations and ordinances of the City of Newton shall remain in full force and effect and must be obeyed by sticker and permit holders.
- (3) Resident stickers and visitor permits do not authorize holders to park overnight in municipal lots.
- (4) All sticker or permit parking shall automatically be suspended upon the declaration of a snow emergency or any disaster in the city by the chief of police or his designee.
- (5) Resident stickers and visitor permits will automatically be revoked if a motor vehicle ceases to qualify under this ordinance, if the sticker or permit is applied to a vehicle other than the one so designated at the time of

application, or if the applicant for a visitor permit ceases to qualify under this section.

- (6) Resident stickers and visitor permits if not properly affixed or displayed on the motor vehicle, shall be deemed to be of no effect.
- (7) The fee for issuance of a replacement resident parking sticker shall be two dollars (\$2.00).
- (8) No parking restrictions established hereunder shall be effective on legal holidays, on Sundays from 6:00 a.m. to 2:00 p.m., on Saturdays or on religious holidays on streets abutting any house of worship during hours of religious services at such house of worship, or during municipal or Newton Public Schools or Newton Community Schools events or functions in areas affected by said events or functions.
- (9) If any provision of this ordinance or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.
- (10) This section, together with any amendments thereto, will be posted in the office of the city clerk. (Ord. No. S-155, 2-18-86; Ord. No. T-168, 9-3-91; Ord. No. T-169, 7-8-91; Ord. No. T-230, 6/1/92; Ord. No. T-236; 7/13/92; Ord. No. T-304; 11/1/93; Ord. No. V-154, 12-1-97; Ord. No. Z-12, 12-03-07; Ord. No. Z-38, 11-17-08; Ord. Z-39, 11-17-08; Ord. No. Z-48, 03-16-09)

Sec. 19-202—19-204 Reserved. (Sections moved to Traffic and Parking Regulations (Ord. No. Z-12, 12-03-07; Ord. No. Z-25, 05-05-08))

Sec. 19-205. *Repealed April 11, 2011*

(Ord. No. Z-40, 01-20-09; Ord. No. Z-53, 10-19-09; Ord. No. Z-63, 05-03-10; Ord. No. Z-84, 04-11-11)

Secs. 19-206—19-218. Reserved.

ARTICLE VIII. TOW-AWAY ZONE REGULATIONS

Sec. 19-219. General prohibitions for tow zones.

(a) No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places:

- (1) upon any sidewalk;
- (2) upon any crosswalk;
- (3) upon any way within twenty (20) feet of an intersecting way except alleys;
- (4) upon a way within ten (10) feet of a fire hydrant;
- (5) on the roadway side of any vehicle stopped or parked at the edge or curb of a way;
- (6) in front of a public or private driveway;
- (7) upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic;

(8) on any way or other area under control of the city in accordance with section 19-226 if:

- a) such vehicle has been previously tagged five (5) or more times for parking violations in the city; and
- b) the owner or person in control of such vehicle has failed to return the tags for any such previous violations to the parking clerk of the City of Newton as required by the provisions of G.L. chap. 90, section 20A, as amended;

(9) in a fire lane.

(10) any vehicle parked in violation of section 19-205 "Commercial parking permits. (Rev. Ords. 1973, § 13-182; Ord. No. R-257, 7-12-82; Ord. No. S-251, 6-1-87; Ord. No. T-164, 8-8-91, Ord. No. Z-40, 01-20-09).

Sec. 19-220 Reserved. (Section moved to Traffic Regulations (Ord. No. Z-12, 12-03-07)

Sec. 19-221. Signs to be erected.

The provisions of section 19-220 shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "Tow-Away Zone" are installed, erected, maintained and located so as to be visible to approaching drivers, such signs to be appended above or incorporated into the legend of parking prohibition signs.

In addition, for football game day tow-away zone regulations, signs bearing the schedule of the effective dates of such regulation shall be appended to or incorporated into the legend of parking prohibition signs.

In addition, the Chief of Police may place such signs at such additional locations in or near the area regulated by game day parking in Section 19-177 as he deems appropriate. (Rev. Ords. 1973, § 13-184; Ord. No. T-278, 6-21-93; Ord. No. V-26, 6-19-95; Ord. No. Z-19, 03-17-08)

Sec. 19-222. Record of towed vehicles.

The police department shall keep a record of all vehicles towed or removed under the provisions of this article. Such record shall be retained for one year and shall contain the following information:

- (1) the registration of the vehicle;
- (2) the location from which it was towed, and time and date of tow order;
- (3) the location to which it was moved;
- (4) the fee charged for towing;
- (5) name of towing contractor, if any;
- (6) name and rank of officer who authorized towing. (Rev. Ords. 1973, § 13-185)

Sec. 19-223. Reserved.

Sec. 19-224. Parking prohibited on city grounds.

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park upon any land owned or controlled by the city which shall include any department thereof and the school committee, after having been forbidden to do so by the person who has lawful control of said premises on behalf of the city, either directly or by notice posted thereon. (Rev. Ords. 1973, § 13-187; Ord. No. S-251, 6-1-87)

Sec. 19-225. Impeding of snow removal operations; authority of police; fees; liability for damage during removal or storage.

No person shall stand or park or allow, permit or suffer any vehicle registered in his name or under his control to stand or park on any of the ways or parts thereof within the city in such a manner as to impede the removal or plowing of snow or ice, except vehicles parked in accordance with approved regulations, if any, governing all-night parking. (Rev. Ords. 1973, § 13-188; Ord. No. 235, 10-3-77; Ord. No. S-8, 8-8-83; Ord. No. S-251, 6-1-87)

Cross reference—Police, Ch. 24

Sec. 19-226. Removal of vehicles authorized.

(a) The chief of police of the police department or such sergeants or other officers of higher rank in the police department as he may from time to time designate, is hereby authorized to remove to some convenient place through the agency of a person or persons in the employ of the police department or by an independent contractor selected in accordance with all applicable provisions of the General Laws and the Revised Ordinances as in effect at the time of the award of the contract on the basis of competitive bids, any vehicle parked or standing on any part of any way under the control of the city in such a manner as to obstruct any curb, ramp designed for use by handicapped persons as a means of egress to a street or a public way, or to occupy or obstruct any parking space reserved for a vehicle used by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or displays the special parking identification plate authorized by section 2 of chapter 90 of the General Laws or bears the official identification of a handicapped person issued by any other state, or to impede in any way the removal or plowing of snow or ice or in violation of sections 19-223 or 19-225, or to violate in any way a provision of sections 19-219, 19-220, 19-223, 19-224, or 19-174(a)(2) of this chapter.

(b) Vehicles owned by the commonwealth or a political subdivision thereof or by the United States or any instrumentality thereof or registered by a member of a foreign diplomatic corps or by a foreign consular officer who is not a citizen of the United States and bearing a distinctive number plate or otherwise conspicuously marked as so owned or registered shall not be subject to removal under this section. The owner of a vehicle moved or towed to a convenient place under this section shall be liable for the cost of such removal and any storage relating therefrom provided that the liability for said storage and removal shall not exceed the fees established for such removal and storage under section 6B of chapter 159B of the General Laws and the regulations thereunder and any successor provisions thereof as in effect at the time of said removal and storage. The owner of any vehicle removed or towed under the provisions of this section shall also be subject to any penalties provided in section 19-9 of this chapter. (Ord. No. S-251, 6-1-87)

Sec. 19-227. Removal and storage by independent contractor; liability.

The removal and storage of a vehicle by an independent contractor under section 19-226 of this chapter shall not be deemed to be services rendered or work performed by the City of Newton or its police department. Said contractor shall be solely liable for any personal injury or property damage arising out of or in the course of such removal or storage, and the owner of the vehicle shall be solely liable for the cost of such removal and storage. The city shall not be liable to the contractor for the costs of such removal and storage. The city shall not be liable for any personal injury or property damage that results from any such removal and storage. (Ord. No. S-251, 6-1-87)

Cross reference—Police, Ch. 24

Sec. 19-228. Parking in or obstructing access to fire lanes.

(a) No person shall stand, park or allow, permit or suffer any vehicle registered in his name to stand or park in any fire lane, as defined in section 19-1 of this chapter.

(b) Fire lanes shall be located where necessary, as determined by the chief of the fire department, to provide fire protection to all buildings and premises. The length of all such fire lanes shall be equal to the length of the building for which said lane provides access and the width shall be a distance of not less than twelve (12) feet from the curbing of a sidewalk surrounding the building, or such minimum width as may be required by state law, whichever is greater. Where no sidewalk with curbing exists, the distance and location of said fire lane shall be established by the chief of the fire department in accordance with the requirements of state law. Said curbing shall be painted yellow for the entire length of the fire lane.

(c) Any vehicle in violation of paragraph (a) of this section, except those specifically exempted by law, shall be removed in accordance with this article VIII of chapter 19 of the Revised Ordinances.

(d) The provisions of this section shall be effective only during such times as signs of no less than 12" x 18" and bearing the legend "Fire Lane - No Parking - Tow-Away Zone, per Newton Fire Department, Revised Ordinances, Sec. 19-228" are installed, erected, maintained and located so as to be visible to approaching drivers. There shall be at least two such signs, one located at the beginning and one at the end of each designated fire lane, and where the length of the fire lane exceeds fifty (50) feet, additional signs shall be installed at approximately equal distances so that the distance between such signs shall not exceed fifty (50) feet. (Ord. No. T-164, 8-8-91; Ord. No. T-289, 7-12-93)

Secs. 19-229—19-241. Reserved.

ARTICLE IX. ABANDONMENT AND IMPROPER STORAGE OF VEHICLES

Sec. 19-242. Abandonment prohibited.

Except as to vehicles for which other provisions are made under the laws of the commonwealth, no person shall abandon any vehicle at any place within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause it to reasonably appear that such vehicle has been abandoned. (Rev. Ords. 1973, § 13-200)

Sec. 19-243. Leaving disabled vehicles on public property.

Except as to vehicles for which other provisions are made under the laws of the commonwealth, no person shall leave any partially dismantled, wrecked, junked, non-operative or discarded vehicle upon any street or other public grounds in the city or upon any property therein without the permission of the owner or lessee of said property. (Rev. Ords. 1973, § 13-201)

Sec. 19-244. Leaving disabled vehicles on private property.

No person in charge or control of any property in the city, whether as owner, occupant, lessee or otherwise, shall allow any partially dismantled, wrecked, junked, non-operative or discarded vehicle or more than one (1) unregistered vehicle to remain on such property longer than ten (10) days, except a vehicle in an enclosed building or in an area unexposed to the view of the public or any abutter, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, a vehicle in an appropriate storage place or depository maintained by the city with the consent of the city, or a vehicle upon property covered by a class three (3) license, duly in effect under chapter 140, section 58 of the

General Laws. (Rev. Ords. 1973, § 13-202; Ord. No. 291, 3-20-00)

Sec. 19-245. Removal, disposition.

Vehicles which reasonably appear to have been left any place within the city in violation of any provision of this article or to be lost, stolen or unclaimed may be removed in accordance with the provisions of chapter 135 of the General Laws relating to lost, unclaimed or abandoned property, the provisions of chapter 90, section 22C of the General Laws or the provisions of chapter 316 of the Acts of 1962, as the same may be applicable. (Rev. Ords. 1973, § 13-203)

Secs. 19-246—19-261. Reserved.

**ARTICLE X. SCHOOL BUS SAFETY
STANDARDS**

Sec. 19-262. Safety equipment required.

Any motor vehicle operating commercially in the city for the purpose of transporting children, including transporting children to camp, school, religious school or for any other organized recreational activity, with a capacity of nine (9) or fewer children shall:

- (1) provide a seat belt for the driver;
- (2) provide a first-aid kit approved by the city department of public health;
- (3) be equipped with mirrors in accordance with chapter 90, section 7B, clause (12) of the General Laws;
- (4) carry no greater number of passengers at any one time than there are seats provided in the motor vehicle;
- (5) provide a seat belt for each passenger transported. (Rev. Ords. 1973, § 13-215)

State law reference—Equipment of school buses, G.L. c. 90, § 7B

Sec. 19-263. Inspection.

Any vehicle operating as defined in section 19-262 shall be inspected semiannually by the police department for compliance with this chapter. (Rev. Ords. 1973, § 13-216)

Secs. 19-264-19-279. Reserved.

ARTICLE XI. MOVING BUILDINGS

Sec. 19-280. Permit required.

No person shall move a building through any street in the city without a permit from the board of aldermen.

For the purposes of this article, "building" shall include a manufactured home. A manufactured home is a structure transportable in one or more sections, that in the traveling mode is eight (8) feet or more in width or forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. (Rev. Ords. 1973, § 19-56; Ord. No. T-196, 12-2-91)

Cross references—Buildings, Ch. 5; licenses and permits generally, Ch. 17

State law reference—Moving of buildings, G.L. c. 85, § 18

Sec. 19-281. Same-Application.

(a) Every application for a permit to move a building through any street in the city shall be in writing, signed by the owner or by some person duly authorized by him in writing to do so, and shall state:

- (1) the dimensions of the building and the materials of its exterior and roof;
- (2) the location from which and to which it is to be moved, with street and number in each case;
- (3) the use to which it has been and is to be applied;
- (4) the route over which it is proposed to move the building;
- (5) the trees and other property liable to injury upon the streets or ways through which the building is to be moved;
- (6) whether the moving will require the cutting of electric wires or the obstruction of street railway traffic.

Such application shall be accompanied by the written consent of the commissioner of public works and the senior wire inspector, and a written statement of the commissioner of inspectional services that the proposed location and use will not be a violation of the laws and ordinances relating to buildings, and whether in his opinion the building is of sufficient strength to be safely moved.

(b) Final approval of the application for a permit shall be in the discretion of the board of aldermen. (Rev. Ords. 1973, § 19-57; Ord. No. 90, 10-6-75; Ord. No. 190, 12-20-76; Ord. No. S-301, 2-1-88)

Sec. 19-282. Same-Fee.

For each permit issued under this article there shall be paid the fee prescribed by section 17-3. (Rev. Ords. 1973, § 19-58)

Sec. 19-283. Same-Terms upon issuance; bond required.

(a) No permit shall be granted for the moving of a building in the streets of the city until the requirements of this article have been complied with, and if granted, the permit shall be granted upon the following terms:

- (1) Sufficient barriers and lights shall be maintained wherever the building is in the streets;
- (2) Streets shall not be unnecessarily obstructed, and, so far as possible, safe and convenient ways for the use of foot travelers and vehicles shall be maintained around the building;
- (3) All chimneys shall be removed down to the roof;
- (4) In case of injury or damage to a street, way or property caused by the moving of such building, the owner of such building shall at his own expense restore the street, way and property to a like condition as before such moving and to the satisfaction of the commissioner of public works. The owner of such building shall hold the city harmless and indemnified from all loss, cost, damage, expense and liability on account of the moving of the building and shall give a bond therefor to the city of not less than five hundred dollars

(\$500.00), satisfactory to the commissioner of public works, substantially in the following form:

Know All Men by These Presents That

are holden and stand firmly bound unto the City of Newton, a municipal corporation duly established according to law, situated in the County of Middlesex and Commonwealth of Massachusetts, in the sum of _____ dollars to the payment of which to the said City of Newton, its successors and assigns we hereby bind ourselves, our successors, heirs, executors and administrators.

Whereas the said _____ has been granted a permit for moving a building in the City of Newton,

Now therefor, the Condition of this Obligation is such that if the said _____ to whom said permit has been granted shall keep and perform all the requirements of the ordinances of the City of Newton relating to the moving of buildings, and of said permit, and save said city harmless and indemnified from all loss, cost, damage or expense in consequence of the moving of said building and the occupation of ways therefor, then this obligation shall be void, otherwise it shall be and remain in full force and virtue.

In Witness Whereof we hereunto set our hands and seals this ____ day of _____ A.D., 20__.

Signed and sealed in the presence of,

Approved _____
Commissioner of Public Works of the City of Newton

Approved _____
Mayor of the City of Newton

(b) Such permit shall not be in force until the bond required herein has been duly executed and approved by the mayor, nor until the owner has signified in writing his acceptance of the permit with all the requirements of this article. (Rev. Ords. 1973, § 19-59; Ord. No. 90, 10-6-75)

Sec. 19-284. Instructions of commissioner of public works.

The owner and all persons engaged in the moving of any building shall at all times, during such removal, observe the instructions relative thereto given by the commissioner of public works without in any manner invalidating the bond required in section 19-283, nor involving the commissioner of public works or the city in any liability on account of such instructions. (Rev. Ords. 1973, § 19-60; Ord. No. 90, 10-6-75)

Secs. 19-285—19-300. Reserved.

ARTICLE XII. VEHICLES FOR HIRE

DIVISION 1. GENERALLY

Sec. 19-301. Definitions.

For the purposes of this article, the words and phrases used shall have the following meanings:

Chief of police: The chief of police of the City of Newton or his designee.

City: City of Newton.

Person: A person, firm, company, corporation, partnership or other entity, or an owner, or operator of a taxicab or public automobile as defined herein.

Public Automobile: A passenger car or station wagon used for transporting persons or goods for hire which has a seating capacity of up to five persons, which is not marked with the company name or number, other than a medallion number, is not equipped with a taximeter, does not operate on a fixed route, and which is hired by means of telephone request or contract arranged in advance of the time designated for pickup.

Limousine: A large, luxurious motor vehicle with an enclosed passenger compartment having a seating capacity of up to eight (8) passengers and operated by a uniformed driver or chauffeur and operated pursuant to either:

- (1) a contract prearranged significantly in advance of the date and time designated for passenger pickup; or
- (2) a contract formed pursuant to a telephone request made by a prospective passenger or passengers to a company which receives requests for transportation for hire, and, in any event not otherwise available to the general public for hire as a mode of transportation.

The definition of limousine shall not include vehicles engaged exclusively to provide service to funeral homes.

Taxicab: A passenger car or station wagon used for transporting persons or goods for hire, having a seating capacity of up to five persons, which is marked with the company name, assigned number and color and equipped with a taximeter, and which does not operate on a fixed route and which is hired by means of a taxi stand, solicitation from persons on the street or telephone request. The definition of a taxicab shall not include public automobiles as defined herein.

Van: a passenger vehicle for transporting persons or goods for hire with a seating capacity of up to fifteen persons, which may be marked with the company name or number, which is not a public automobile, limousine or taxicab as defined herein, and which is hired by means of a telephone request or contract arranged in advance of the time designated for pickup.

(Rev. Ords. 1973, § 21-2; Ord. No. T-291, 8-9-93; Ord. X-54, 5-19-03)

Cross reference—Taxicab stands, § 19-171

Sec. 19-302. Duty of police relative to licensed vehicles.

It shall be the duty of the police officers of the city to observe the movements of vehicles licensed pursuant to division 2 of this article, especially in the nighttime, and see that all rules and orders are obeyed. (Rev. Ords. 1973, § 21-3)

Sec. 19-303. Taxis authorized to transport passengers upon request or from assigned stand.

A taxi may transport passengers on request from persons on any street or public way or from any assigned taxi stand or a stand on private property where permission is granted by the owner. (Rev. Ords. 1973, § 21-4)

Sec. 19-304. Public automobiles and vans prohibited from soliciting passengers upon public ways or conveying such upon request from taxi stands.

All persons in charge of public automobiles and vans are prohibited from soliciting passengers for hire on the public ways of the city in any manner. Such persons are also prohibited from conveying in public automobiles any person who may, upon a public way of the city or from a taxi stand, request to be transported. (Rev. Ords. 1973, § 21-5; X-54, 5-19-03)

Sec. 19-305. Taxi stands.

- (a) Public taxi stands on public ways are to be designated and assigned by the board of aldermen.
- (b) No such stand shall be designated, or individual or company assigned to a taxi stand, until after a public hearing has been held thereon by the public safety committee of the board of aldermen, of which at least seven (7) days notice shall be mailed by the city clerk to the owners of property abutting on such way at the proposed location of such stand on each side of the way and to the owners of property abutting upon such properties abutting on such properties abutting on the way, all as shown by the most recent assessment lists of the board of assessors; provided, that no notice need be given to the owner of any property no part of which is situated less than three hundred (300) feet from such proposed location. After such hearing, the public safety committee shall make its recommendation to the full board of aldermen.
- (c) No stand so designated under this section shall be removed until after a public hearing has been held thereon by the public safety committee of the board of aldermen and a determination has been made by the full board of aldermen that such taxi stand is not in the best interests of the public safety and welfare.
- (d) All taxi stands designated by the board of aldermen shall be duly posted and marked by the traffic engineer.
- (e) The taxi stands that, as of December 1, 1989, have been duly designated as taxi stands in the City of Newton by the board of aldermen are those on the list maintained by the planning department which list has been certified by the city clerk.
- (f) Taxi stands shall be assigned to individuals or entities holding at least one license to operate a taxi in the City of Newton.
- (g) The board of aldermen shall review the status of taxi stands every year. The board of aldermen reserves the right to assign more than one taxi cab company or holder of a taxi license to a taxi stand location.
- (h) *Transfer of taxi stands*: No taxi stand designated or assigned to a particular person pursuant to this section shall be transferred unless such transfer is approved by the board of aldermen.
- (i) The open public taxi stand located at Newton Corner shall not be used by any vehicle which has been assigned a special license pursuant to paragraph 19-333 (c) of this ordinance. (Rev. Ords. 1973, § 21-6; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Sec. 19-306. Refusal to carry passenger.

No person in charge of a taxi shall refuse unreasonably to carry a passenger. (Rev. Ords. 1973, § 21-18)

Sec. 19-307. Operators to be respectful to passengers.

The operator of any vehicle licensed pursuant to this chapter shall be respectful to passengers at all times. (Rev. Ords. 1973, § 21-19)

Sec. 19-308. Picking up passenger after taxi is occupied or engaged.

No person having charge of a taxi shall take up or carry any passenger after the taxi has been occupied or engaged by a prior passenger without the consent of such prior passenger. (Rev. Ords. 1973, § 21-20)

Cross reference—Health generally, Ch. 12

Sec. 19-309. Requirements as to vehicles generally.

(a) Vehicles licensed pursuant to this ordinance shall be kept in good condition, the interior shall be kept clean and suitable for occupancy and mechanically fit for the safety of passengers, as determined by the chief of police. No commercial advertising shall be permitted on the outside of such vehicles except the name or trade name and number of the person owning such vehicle.

(b) *Annual inspection of taxicabs and public automobiles*: All vehicles licensed pursuant to the provisions of this ordinance to which medallions have been assigned shall be inspected by the chief of police in March and October of each year, and at such other times as deemed necessary by the chief of police. Each inspection shall include, but not be limited to the following:

- (1) inspection of the interior and exterior of the vehicle for appearance, cleanliness, and mechanical fitness;
- (2) recording the odometer reading of each vehicle, and verifying that the vehicle identification number (VIN), the taximeter serial number and the number of the taxi medallion or public automobile corresponds with such information as listed on the license assigned to the vehicle;
- (3) verification that the vehicle has a properly operating odometer, as determined by the chief of police. A vehicle with an inoperable or faulty odometer shall fail inspection; and
- (4) verification that each vehicle has a valid inspection sticker issued by the Commonwealth of Massachusetts indicating that the vehicle has passed said inspection. A vehicle which does not have such a sticker shall fail inspection.

(c) Effective January 1, 1995 and thereafter, no vehicle shall be approved for use as a taxicab or public automobile or van in the city when the vehicle is ten (10) years old or older, the age of each vehicle to be determined from the year of manufacture to the year for which the vehicle license is to issue. (Rev. Ords. 1973, § 21-22; Ord. No. 88, 10-6-75; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. X-54, 5-19-03)

Sec. 19-310. Vehicle identification card, identity light and markings on taxis.

(a) All taxis in the city shall display an identity light on top of the taxi which shall be visible from the front and rear and shall be illuminated at night. Such identity light shall be of such color and the word "taxi" or company name shall be lettered thereon in such color and size as the chief of police shall approve. The cylinder for the identity light shall be at least ten (10) inches long. All taxis licensed in the city shall have the name or trade name of the owner and the word "Newton" painted on both sides of the body of the taxi in standard letters not less than four (4) inches high and one-half inch wide.

(b) All taxis in the city shall display a vehicle identification card, issued by the chief of police, which bears the owner's name, telephone number, and the medallion number of the taxi. Such vehicle identification card shall be displayed in the passenger compartment of each taxi in such a manner as to be visible to passengers at all times. (Rev. Ords. 1973, § 21-23; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. Z-99, 11-21-11)

Sec. 19-311. Taxicab seat belts.

All taxicabs and public automobiles licensed by the board of aldermen to do business in the city shall be equipped with working seatbelts in open view and available for use in all seating areas used by passengers. (Rev. Ords. 1973, § 21-24; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Sec. 19-312. Requirement of taximeters.

(a) All taxicabs in the city shall be equipped with a taximeter. All taximeters in the city shall be inspected by the sealer of weights and measures not less often than annually and in any case shall be approved by said sealer of weights and measures as of the date the medallion is issued for each taxicab licensed pursuant to this ordinance. A taximeter with a broken seal shall be replaced and inspected at the time such taximeter is installed.

(b) Tampering or breaking a seal on a taximeter shall be cause for revocation of the license. In the event that the sealer of weights and measures determines that a seal on a taximeter has been broken or tampered with, the sealer of weights and measures shall report the name of the licensee of the vehicle in which said taximeter was installed to the chief of police and clerk of the board of aldermen. The board of aldermen may take such action as deemed necessary, including revocation of the license following a hearing which shall be held upon no less than seven (7) days prior notice to the licensee. The vehicle medallion shall be surrendered upon revocation of the license. (Rev. Ords. 1973, § 21-25; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Sec. 19-313. Rates of fare of taxis.

(a) The following rates of fare for taxis in the city are established: the charge for one passenger with ordinary baggage shall not exceed two dollars (\$2.00) for the first two-sixths mile or fraction thereof, and fifty cents (\$.50) for each additional one-sixth mile or fraction thereof.

(b) Waiting time shall include all time during which the vehicle is not in motion after its arrival at the place to which it has been called, starting no sooner than three (3) minutes after the party engaging the same has been notified. A charge may be made of not exceeding fifty cents (\$.50) per minute or thirty dollars (\$30.00) per hour of waiting time thereafter; provided, that no charge shall be made for time occasioned by the premature arrival in response to a call and the time for which the vehicle was ordered, or for time lost through inefficiency of the vehicle or its driver. Waiting time shall also include all time during which the vehicle, while en route with passengers, is not in motion due to delays caused by traffic, at a charge not exceeding forty cents (\$0.40) for each one minute or fraction thereof.

(c) There is hereby established a chit system for purposes of allowing reduced taxi rates and fares to senior citizens of the city as they are defined herein. Any citizen of the city who is sixty (60) years of age or older and who presents adequate verification of such age shall be entitled to purchase chits or tickets from the office of any taxi company which is a member of the Newton Taxi Association. Such chits or tickets, which shall be printed on a form approved by the city department of senior services, shall be sold in such a manner that the actual purchase price to a senior citizen is at least ten (10) per cent less than the face value represented thereon. Such chits or tickets shall, upon presentation by a senior citizen to an authorized driver for the issuing company, represent payment for taxi fares and waiting time charges in an amount corresponding to the face value thereof.

(d) *Gasoline surcharge:* A gasoline surcharge may be added to the taxi fare for each trip after the initial taximeter drop. The surcharge shall be \$1.00 from June 1, 2007 through November 30, 2007. Thereafter the surcharge may be established for successive six-month periods beginning on December 1 and June 1 of each year, based on the Gasoline Pump Price for regular gas for the prior day in Boston, Massachusetts as published by the American Automobile Association, and in accordance with the following schedule:

Gasoline Pump Price	Gasoline Surcharge
\$ 2.01	\$ 0.50
\$ 2.51	\$ 1.00
\$ 3.01	\$ 1.50
\$ 3.51	\$ 2.00
\$ 4.01	\$ 2.50
\$ 4.51	\$ 3.00

(Rev. Ords. 1973, § 21-26; Ord. No. 8-12-74; Ord. No. 320, 3-19-79; Ord. No. R-135, 4-6-81; Ord. No. S-345, 12-5-88; Ord. No. T-66, 12-18-89; Ord. No. T-121, 2-4-91; Ord. No. T-147, 5-6-91; Ord. No. T-177, 10-21-91; Ord. No. T-220, 3-2-92; Ord. No. W-26, 12-18-00; Ord. No. X-104, 8-9-04; Ord. X-137, 2-7-05; Ord. No. X-175, 05-26-05; Ord. No. X-172, 9-19-05; Ord. No. X-219, 6-19-06; Ord. No. X-246, 12-18-06; Ord. No. Y-24, 7-9-07)

Sec. 19-314. Rate card to be displayed.

Every owner, driver or person having charge of a taxi shall place upon the visor of the taxi or attach to the taximeter in such manner that the same shall be visible to the passenger at all times and have available for inspection by the customer at all times a card at least three (3) by five (5) inches having plainly printed thereon the rate of fare and name of the owner. (Rev. Ords. 1973, § 21-27; Ord. No. T-66, 12-18-89)

Sec. 19-315. Charges for hire of public automobiles.

(a) The charges for the hire of public automobiles are established as follows, not to exceed:

- (1) Twenty-four dollars (\$24.00) per hour when such automobile is hired by the hour for travel in the city.
- (2) Two dollars and forty cents (\$2.40) per mile for the first mile when hired by the mile and forty cents (\$0.40) each one-sixth mile.

(b) This section shall not apply to public automobiles hired for funerals, weddings and christenings. (Rev. Ords. 1973, § 21-28; Ord. No. T-66, 12-18-89)

Sec. 19-316. Vehicles transporting goods.

(a) No person shall set up, use or drive any wagon, dray or other vehicle, whether on wheels or runners, for the conveyance from place to place within the city, for hire, of any goods, wares, merchandise, furniture or any other article of transportation without a license for such wagon, dray or other vehicle from the board of aldermen.

(b) The board of aldermen may grant such licenses to suitable persons and revoke the same at their discretion. For every license so granted there shall be paid to the city clerk, for the use of the city, the sum of one dollar (\$1.00); provided, that any owner of a job wagon or other vehicle who is licensed to set up or use more than one such vehicle

shall pay one dollar (\$1.00) for the first vehicle and fifty cents (\$0.50) for each additional vehicle so licensed. All licenses granted as aforesaid shall expire on the first day of May next after the date thereof.

(c) No person under eighteen (18) years of age shall drive or have charge of any wagon, dray or other vehicle licensed under this section without special permission of the board of aldermen. (Rev. Ords. 1973, § 21-29; Ord. No. T-66, 12-18-89)

Secs. 19-317—19-329. Reserved.

DIVISION 2. BUSINESS LICENSE

Sec. 19-330. Requirement of a license.

(a) Except as otherwise provided in subsection (d), no person shall engage in the business of transporting persons or goods for hire by means of a taxicab or public automobile within the limits of the city unless:

- (1) said person has obtained for each such vehicle a taxicab or public automobile license, as applicable, pursuant to sections 19-332 through 19-333 and said license has not been suspended, rescinded, surrendered, revoked or declared void for non-use; and
- (2) each such vehicle which has been so licensed has a current city medallion affixed to the vehicle as directed by the chief of police; and
- (3) the driver of said vehicle is licensed by the city in accordance with the provisions of section 19-346 of the Revised Ordinances and said license has not been suspended, rescinded, or revoked.

(b) Each license issued pursuant to this provision shall designate the vehicle registration number, the Vehicle Identification Number (VIN) and the odometer reading at the time the license is approved; the vehicle medallion number; and, with respect to each taxicab license, the license shall include the serial number of the taximeter.

(c) Taxicab and public automobile licenses shall expire on December 31 of each year.

(d) Notwithstanding the provisions of subsection (a), nothing herein shall be construed as prohibiting a driver of a taxicab or public automobile which is licensed to operate in another city or town of the commonwealth from driving through Newton, or from accepting a passenger, passengers, packages or other merchandise within the city provided that:

- (1) said taxicab or public automobile is requested by or on behalf of said passenger or person requesting a package or merchandise pickup; and
- (2) said request is made by telephone, or by radio dispatch from the owner or operator's principal place of business which is located outside the city.

(e) *Penalty:* Any person who violates the requirements of this section 19-330 shall be subject to a fine of \$300 for each offense. (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Cross reference—Licensing and permits generally, Ch. 17

Sec. 19-331. Fee for license and taxi stands.

(a) For every license granted pursuant to section 19-330 there shall be paid, for the use of the city, the fee prescribed by section 17-3.

(b) With each application for assignment of a taxi stand under section 19-305, there shall be paid to the city clerk the handling fee prescribed by section 17-3. (Rev. Ords. 1973, § 21-8; Ord. No. T-66, 12-18-89)

Sec. 19-332. Procedure for obtaining licenses.

(a) *Procedure for renewal of taxicab and public automobile licenses:* Beginning in September each year, the city clerk shall send a renewal application form and a copy of this ordinance, as may be amended from time to time, to each person who currently holds a taxicab or public automobile license. Said form shall include the following information for each vehicle: the vehicle registration number, the vehicle identification number (VIN) and odometer reading; the vehicle medallion number; and, in addition, with respect to each taxicab license sought, the form shall include the serial number of the taximeter. Said form shall also include the location of the vehicle during business and non-business hours, specifications as to employee parking, vehicle storage and operations, and measures to mitigate any impact on the surrounding area. A separate license shall be required for each vehicle to be used by the applicant. A copy of the registration certificate for each vehicle and a certificate of insurance indicating the amount of coverage for each vehicle shall accompany the application. Completed application forms shall be returned to the city clerk no later than September 30. The non-refundable fee for each license, as specified in section 17-3 of these Revised Ordinances, shall be paid to the city clerk at the time the completed license application is returned to the city clerk.

(b) *Procedure for obtaining first-time taxicab or public automobile license:* The city clerk shall send an application form for a taxicab or public automobile license to any person requesting the same upon receipt of a registration certificate for each vehicle for which a license is sought. Said form shall include all of the information as required for the renewal form as stated in subsection (a) above. A separate license shall be required for each vehicle to be used by the applicant. The chief of police shall assign a medallion number for each new license issued pursuant to the provisions of this ordinance.

(c) The city clerk shall forward copies of all completed application forms for which all applicable fees have been paid to the chief of police and to board of aldermen during the month of October of each year.

(d) Inspections for the issuance of vehicle licenses and medallions shall be scheduled during the month of October. Upon submission of a completed application form, the applicant for a taxicab or public automobile license shall arrange for an inspection of each vehicle for which a license is sought by contacting the chief of police no later than fifteen (15) days prior to the date the vehicles will be available for inspection. In the event that a vehicle fails such inspection, the applicant shall have thirty (30) days in which to correct all deficiencies noted and schedule a second inspection. The chief of police shall notify the city clerk and the public safety and transportation committee of the board of aldermen of the result of each such inspection. A vehicle which does not pass inspection shall not be eligible for a license.

(e) The public safety and transportation committee of the board of aldermen shall approve or deny each taxicab and public automobile license application in accordance with the provisions of section 19-333 at the first regularly scheduled meeting of said committee during the month of November of each year. The committee shall forward its recommendations for approval or denial to the full board of aldermen during the month of December of each year. The city clerk shall notify each applicant and the chief of police in writing as to the board's decision. Upon receipt of notice that a license application has been approved, the licensee shall contact the chief of police in order to obtain a medallion for each taxicab and public automobile for which a license has been granted.

(f) Each license shall identify the taxi stands to which the licensee has been assigned pursuant to section 19-305 of this ordinance. (Rev. Ords. 1973, § 21-9; Ord. No. 627, 2-19-74; Ord. No. 88, 10-6-75; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; X-53, 5-19-03; Ord. No. X-54, 5-19-03)

Sec. 19-333. Number of licenses.

(a) No more than one (1) taxicab license shall be issued for each population unit of one thousand (1,000) or additional fraction thereof, except that if a greater number of such licenses shall have been granted, issued or were in force as of November 1, 1992 than would be permissible under said limitation, such licenses shall remain in full force and effect and no subsequent requests for renewals of such licenses by those persons holding such licenses as of November 1, 1992 shall be denied solely for reasons of declining population. If the number of taxicab licenses outstanding as of November 1, 1992 exceeds the limitation set forth herein, no further licenses shall be issued or granted until the number of licenses outstanding shall have been reduced, by cancellation, revocation, failure to renew, failure to use as provided in section 19-336, or otherwise, to an amount less than that permitted by the limitation of this subsection, and, thereafter, licenses may be issued only as provided herein.

(b) No more than one (1) public automobile license shall be issued for each population unit of five thousand (5,000) or additional fraction thereof, except that if a greater number of such licenses shall have been granted, issued or were in force as of November 1, 1992 than would be permissible under said limitation, such licenses shall remain in full force and effect and no subsequent requests for renewals of such licenses by those persons holding such licenses as of November 1, 1992 shall be denied solely for reasons of declining population. If the number of public automobile licenses outstanding as of November 1, 1992 exceeds the limitation set forth herein, no further licenses shall be issued or granted until the number of licenses outstanding shall have been reduced, by cancellation, revocation, failure to renew, failure to use as provided in section 19-336 of this ordinance, or otherwise, to an amount less than that permitted by the limitation of this subsection, and, thereafter, licenses may be issued only as provided herein.

(c) *Special taxicab or public automobile licenses:* Notwithstanding the provisions of subsection (a) of this section, the board of aldermen, in its discretion, may grant additional taxicab or public automobile licenses to a person who has, on or after the effective date of this section, a written contract to provide transportation services by means of a taxicab and or public automobile to a specially identifiable population, including, but not limited to, elderly persons or persons with special needs. In order to obtain a special license, such a person must file an application for a special license with the city clerk in the manner provided in section 19-332 and provide a notarized copy of such contract. The board of aldermen may grant such licenses for one year, or for the term of the contract, not to exceed a maximum of three years, provided that the licensee shall be required to provide a current notarized copy of the contract to the board of aldermen for each year of the license term of a special license. Special licenses granted pursuant to this provision shall not be included in the number of licenses outstanding for purposes of maintaining the limit on the total number of licenses as set forth in subsections (a) and (b). (Rev. Ords. 1973, § 21-10; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. W-59, 9-18-01)

Sec. 19-334. Revocation of licenses without medallions.

(a) In the event that a medallion is not obtained for the vehicle for hire, within sixty (60) days after the license application is approved or renewed, the license shall be null and void.

(b) The police officer designated by the chief of police in charge of distribution of medallions shall communicate in writing in December of each year to the board of aldermen or its agent as to how many medallions have been issued as of that date.

(c) The board of aldermen, in its discretion, may re-issue any licenses for unused medallions. (Rev. Ords. 1973, § 21-11; Ord. No. T-66, 12-18-89)

Sec. 19-335. Transfer of licenses.

Licenses and medallions issued for vehicles pursuant to this ordinance shall not be affixed to or otherwise transferred to a vehicle other than the vehicle for which the license was issued, except as provided in section 19-336(c). Licenses for taxicabs and public automobiles shall not be used interchangeably. In the event of a change in ownership of the holder of a license or licenses issued hereunder, no license shall be renewed or issued until the city clerk is presented with proof of ownership and registration of each taxicab or public automobile for which the holder seeks a license and until the board of aldermen approves such transfer of licenses. (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Sec. 19-336. License plates or medallions; fee for same; transfer to new vehicle.

(a) Each person who obtains a license for a taxicab or public automobile pursuant to section 19-330 of this article shall obtain a pair of metal plates, or markers or medallions, hereinafter "medallion", issued by the chief of police which shall be affixed to each such vehicle with respect to which a license is so obtained, and which shall be conspicuously displayed in plain sight on the exterior of the vehicle as directed by the chief of police. A fee of fifty dollars (\$50.00) shall be charged for each pair of plates, markers or medallions. Each medallion shall be of such size and color as the chief of police may determine, shall contain the words "taxi license" or "public automobile license" as applicable, the date of expiration and the number of the license, which number shall be at least one inch in height.

(b) The chief of police shall inspect each vehicle for which a license has been granted during March and October of each year. The odometer reading of each vehicle shall be recorded at the time of the inspection, along with the number of the license and medallion assigned to each vehicle, and, with respect to taxicabs, the serial number of the taximeter. Medallions affixed to vehicles for which the odometer reading indicates mileage of less than 2,000 miles since the date of the inspection, shall be removed by the chief of police and surrendered without return of the license or medallion fee or any portion of said fees.

(c) *Transfer of taxicab or public automobile license upon sale of vehicle:* Whenever a person who is the holder of a license for a taxicab or public automobile sells or otherwise retires from use any taxicab or public automobile licensed pursuant to this article, and such vehicle is replaced by another vehicle to be used as a taxicab or public automobile, then, upon presentation of the registration certificate of such new vehicle to the city clerk by the holder of such license, the new vehicle shall become a licensed taxicab or public automobile without payment of any additional fee, provided that the chief of police has inspected and approved each such new vehicle for use and provided that, with respect to a taxicab, the taximeter is approved by the sealer of weights and measures and the serial number of such taximeter is recorded on the license of the new taxicab by the sealer of weights and measures. The medallion issued with respect to such taxicab or public automobile so sold or retired from use may be affixed to the new vehicle upon inspection of said new vehicle by the chief of police and, with respect to a taxicab, upon approval of the taximeter as required by this provision. (Rev. Ords. 1973, § 21-9; Ord. No. 627, 2-19-74; Ord. No. 88, 10-6-75; Ord. No. T-66, 12-18-89; Ord. No. T-168, 9-3-91; Ord. No. T-291, 8-9-93)

Sec. 19-337. Procedure for suspension or revocation of licenses with medallions.

(a) A license for which a medallion has been obtained may be suspended or revoked for a violation of any of the provisions of this article or for just cause, as determined by the board of aldermen. Except as otherwise provided in section 19-336(b) and subsections (b) and (c) of this section, no license shall be suspended or revoked until after a public hearing, held by the public safety and transportation committee of the board of aldermen, or such other committee as may be designated by the board of aldermen in accordance with its rules and regulations. Said public hearing shall be held not less than seven (7) working days after notice of the intent to suspend or revoke has been sent by certified mail to the licensee.

(b) Notwithstanding the provisions of the foregoing subsection (a), a person who operates a vehicle or vehicles licensed pursuant to this ordinance shall surrender the medallion of any such vehicle upon request of the chief of police for operating a vehicle which (1) fails to satisfy all of the requirements of the vehicle inspection as stated in

section 19-309; or (2) for operating a vehicle for which the vehicle registration and/or insurance has lapsed.

(c) A person who operates a vehicle or vehicles licensed pursuant to this ordinance shall notify the chief of police if a vehicle has been out of service for more than fourteen (14) consecutive days and shall surrender the medallion of such vehicle to the chief of police unless the licensee establishes to the satisfaction of the chief of police that said vehicle is out of service in order for the licensee to perform or procure repairs. If the vehicle is being repaired, the licensee shall provide the date by which the vehicle will be returned to service and notify the chief of police when the vehicle is returned to service. In the event that the vehicle remains out of service for more than fourteen (14) days beyond the anticipated repair date and the licensee is unable to establish to the satisfaction of the chief of police that the delay is warranted, then the licensee shall surrender the medallion to the chief of police.

(d) The chief of police shall notify the clerk of the board of aldermen of each medallion that has been confiscated in the manner provided in subsections (b) and (c) of this section and which has remained in the possession of the chief of police for more than thirty (30) consecutive days. Upon receipt of such notice, the public safety committee, or such other committee as may be designated by the board of aldermen, shall schedule a hearing to revoke the license of such vehicle and shall provide notice of the same to the licensee in the manner provided in subsection (a) of this section. Nothing herein shall be construed to prohibit a licensee from requesting a hearing upon the confiscation of a medallion as provided in subsections (b) and (c) of this section. (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Sec. 19-338. Limousine permits.

Every person who is engaged in the business of transporting persons for hire by means of a limousine, as defined herein, shall obtain a business permit from the city clerk. Said permit shall be issued upon receipt of a completed application form and upon payment of a non-refundable fee which shall not exceed the cost of administering the issuance of said permit, and which, in any event, shall not exceed twenty-five dollars (\$25.00). The application form shall include, but not be limited to, the following information:

- (1) the name and address of the business and the names of the corporate officers, if any;
- (2) the name of the business manager or other person to contact in regard to complaints;
- (3) the total number of limousines owned and operated by the business; and

- (4) a copy of the vehicle registration for each limousine. (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Editor's note: As amended in 1983, this section required such permits to be obtained within ninety days of its effective date.

Sec. 19-339. Van license.

(a) Except as otherwise provided in subsection (d), no person shall engage in the business of transporting persons or goods for hire by means of a van within the limits of the city unless:

- (1) said person has obtained for each such vehicle a van license, as applicable, pursuant to this section and said license has not been suspended, rescinded, surrendered, revoked or declared void for non-use; and
- (2) the driver of said vehicle is licensed by the city in accordance with the provisions of section 19-346 of the Revised Ordinances and said license has not been suspended, rescinded, or revoked.

(b) Each license issued pursuant to this provision shall designate the vehicle registration number, the Vehicle Identification Number (VIN) and the odometer reading at the time the license is approved.

(c) Van licenses shall expire on December 31 of each year.

(d) Notwithstanding the provisions of subsection (a), nothing herein shall be construed as prohibiting a driver of a van which is licensed to operate in another city or town of the commonwealth from driving through Newton, or from accepting a passenger, passengers, packages or other merchandise within the city provided that:

- (1) said van is requested by or on behalf of said passenger or person requesting a package or merchandise pickup; and
- (2) said request is made by telephone, or by radio dispatch from the owner or operator's principal place of business which is located outside the city.

(e) For every license granted pursuant to this section there shall be paid, for the use of the city, the fee prescribed by section 17-3.

(f) *Procedure for obtaining first-time van license:* The city clerk shall send an application form for a van license to any person requesting the same upon receipt of a registration certificate for each vehicle for which a license is sought. Said form shall include all of the information set forth below. A separate license shall be required for each vehicle to be used by the applicant.

- (1) the name and address of the business and the names of the corporate officers, if any;
- (2) the name of the business manager or other person to contact in regard to complaints;
- (3) a copy of the business certificate from a municipality of the Commonwealth issued pursuant to G.L. c. 110, §5;
- (4) the total number of vans owned and operated by the business;
- (5) a copy of the vehicle registration for each van and a certificate of insurance indicating the amount of coverage for each van; the Vehicle Identification Number (VIN) and the odometer reading; and
- (6) confirmation that each van is :
 - a) equipped with working seatbelts in open view and available for use in all seating areas used by passengers; and
 - b) kept in good condition, with the interior kept clean and suitable for occupancy and mechanically fit for the safety of passengers.

(g) *Procedure for renewal of van licenses:*

Beginning in September of each year, the city clerk shall send a renewal application form and a copy of this section, as may be amended from time to time, to each person who currently holds a van license. Said form shall include the following information for each vehicle: the vehicle registration number, the vehicle identification number (VIN) and odometer reading. A separate license shall be required for each vehicle to be used by the applicant. A copy of the registration certificate for each vehicle and a certificate of insurance indicating the amount of coverage for each vehicle shall accompany the application. Completed application forms shall be returned to the city clerk no later than September 30. The non-refundable fee for each license, as specified in section 17-3 of these Revised Ordinances, shall be paid to the city clerk at the time the completed license application is returned to the city clerk.

The public safety and transportation committee of the board of aldermen shall approve or deny each van license

application at the first regularly scheduled meeting of said committee during the month of November of each year. The committee shall forward its recommendations for approval or denial to the full board of aldermen during the month of December of each year. The city clerk shall notify each applicant in writing as to the board's decision. (Ord. No. X-54, 5-19-03)

Sec. 19-340 Penalties.

Any person who violates any provision of sections 19-302 through 19-338, excluding section 19-330, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and each day or part thereof during which a violation occurs or continues shall constitute a separate offense. (Ord. No. T-291, 8-9-93)

Secs. 19-340—19-345. Reserved.

DIVISION 3. DRIVER'S LICENSE

Sec. 19-346. Required; identification card; expiration.

(a) A license to drive either a taxi or public automobile and a driver's identification card shall be obtained from the chief of police. Every driver of a taxi licensed for the purpose of transporting persons for hire within the limits of the city, at all times when driving or waiting for employment, shall have an identification card with full face picture attached, name of the operator, expiration date and an assigned number to be stamped thereon, said card to be attached to the visor in full view of passengers.

(b) Each applicant shall supply two (2) glossy full face photographs, size three (3) inches by four (4) inches and shall pay a fee for each license as specified in section 17-3 of these Revised Ordinances. Each license shall expire two (2) years from the date of issue. (Rev. Ords. 1973, § 21-12; Ord. No. 177, 12-6-76; Ord. No. V-40 10-16-95)

Cross reference—Licensing and permits generally, Ch. 17

Sec. 19-347. Terms and conditions.

All licenses required by section 19-346 shall be subject to such terms and conditions as the board of aldermen, or the chief of police with its approval, shall from time to time prescribe. (Rev. Ords. 1973, § 21-14)

Sec. 19-348. Appeal from refusal to issue.

Any person aggrieved by the refusal of the chief of police to grant a license required by section 19-346 may file a written appeal to the board of aldermen stating why such refusal is unreasonable. (Rev. Ords. 1973, § 21-15)

Sec. 19-349. Suspension and revocation.

Any license granted pursuant to section 19-346 may be suspended or revoked by the chief of police or by the board of aldermen at any time for cause. Any suspension or revocation of a license by the chief of police may be set aside by the board of aldermen. (Rev. Ords. 1973, § 21-16)

Secs. 19-350—19-360. Reserved.

DIVISION 4. BUSES

Sec. 19-361. Applicability of division.

This division shall apply to any person or vehicle licensed under the provisions of chapter 159A of the General Laws and the driver or operator of any such vehicle. (Rev. Ords. 1973, § 21-40)

Cross reference—Bus stops, § 19-170

Sec. 19-362. Amendment of division.

This division may be amended or new provisions adopted from time to time by the board of aldermen and any licensee, upon receipt of notice thereof, shall be subject to such new or amended provisions. (Rev. Ords. 1973, § 21-41)

Sec. 19-363. License fee.

The licensee under this division shall pay as a license fee the sum of ten dollars (\$10.00) for each vehicle to be operated under the terms of the license. (Rev. Ords. 1973, § 21-42)

Cross reference—Licensing and permits generally, Ch. 17

State law reference—License required, G.L. c. 159A, § 1

Sec. 19-364. Applicant for license to designate address; service of notices.

Persons making application for a license to operate motor vehicles under this division shall designate in such application an address, giving street and number, to which notices may be sent, and any notice properly addressed and mailed to or delivered at such address shall be deemed to be properly served. (Rev. Ords. 1973, § 21-43)

Sec. 19-365. Records and books of accounts of licensees.

Every person to which a license is granted for the operation of motor vehicles for transporting passengers for hire in the city under this division shall keep records showing the number of passengers carried by each vehicle on each trip, and accurate books of account. Such books of account and records shall be open to inspection by the board of aldermen at reasonable times, and the board of aldermen may from time to time prescribe the form in which such accounts and records shall be kept. (Rev. Ords. 1973, § 21-44)

Sec. 19-366. License plate.

The board of aldermen may issue to the licensee under this division a metal plate bearing the words "Licensed motor vehicle No. _____, Newton 20__, ____ passengers" setting forth the serial number of the license, the date and the number of passengers exclusive of the operator that the car is licensed to carry and the date on which the license expires. Such plate shall be conspicuously placed within the body of the motor vehicle. (Rev. Ords. 1973, § 21-45)

Sec. 19-367. Lost and found department to be maintained by licensee.

Every licensee shall maintain a lost and found department at a location approved by the chief of police at which place shall be delivered, as soon as found, any article left in any licensed motor vehicle by any passenger. (Rev. Ords. 1973, § 21-46)

Sec. 19-368. Fares, routes and termini.

(a) Persons making application for licenses to operate vehicles under this division shall designate the routes over which they desire to operate and the termini they desire to use, the proposed schedule of arrival at and departure from the termini, the schedule of fares they desire to charge and the type of bus with the name of the maker, giving both seating and standing capacity, all of which shall be approved by the board of aldermen. Stopping places shall be approved by the chief of police. Such routes, termini, running schedule and schedule of fares may be changed only with the consent or by order of the board of aldermen. Motor vehicles so licensed shall be driven to such termini before turning around.

(b) The licensee shall have the right to operate such extra service over the approved routes or any part thereof as conditions may require. (Rev. Ords. 1973, § 21-47)

Sec. 19-369. Refusal to carry passengers.

No person operating any licensed motor vehicle under this division shall refuse to carry any person offering himself to be carried as a passenger therein, unless the seats of the same are fully occupied and the number of passengers thereon is the number allowed to be carried, or unless such person is intoxicated or disorderly. (Rev. Ords. 1973, § 21-48)

Sec. 19-370. Soliciting passengers.

No person operating any licensed motor vehicle under this division shall solicit passengers by outcry or make any noise for the purpose of soliciting passengers. (Rev. Ords. 1973, § 21-49)

Sec. 19-371. Destination sign; outside display of advertising.

Licensed motor vehicles under this division shall display adequate destination signs and shall not bear on the outside thereof any commercial advertising. (Rev. Ords. 1973, § 21- 50)

Sec. 19-372. Equipment, condition.

No licensed motor vehicle under this division shall be operated in any street or public place where there is snow or ice, unless it is equipped with proper nonskidding chains, when the use of such chains is reasonably necessary to prevent skidding, and every such vehicle shall be kept in a safe, clean and proper condition for use in such business, and shall be equipped with a liquid fire extinguisher. (Rev. Ords. 1973, § 21-51)

Sec. 19-373. Seating of passengers.

No greater number of passengers seated and standing shall be carried at any one time in any licensed motor vehicle under this division than authorized by the board of aldermen; provided, that in addition thereto children under seven (7) years of age may be carried therein in arms or seated on the laps of parents or adult persons accompanying them. No passenger with a child in arms or seated on the lap shall be permitted to sit with or immediately next to the driver of the vehicle, nor shall any passenger be permitted to ride upon any fender, dash, top, floors, steps or running board of any such vehicle. (Rev. Ords. 1973, § 21-52)

Sec. 19-374. Acts prohibited by operator while vehicle in motion.

No person operating any licensed motor vehicle under this article shall collect fares, make change, take on or discharge passengers while such vehicle is in motion. (Rev. Ords. 1973, § 21-53)

Sec. 19-375. Division considered as regulations under law of the commonwealth; penalty.

The provisions of this division shall also constitute regulations of the board of aldermen acting as licensing authority under the provisions of chapter 159A, section 12 of the General Laws, and the penalty provided for by section 1-6 shall apply to any violation of this division. (Rev. Ords. 1973, § 21-54)